

Bombay Gazette.

Vol. 37.

WEDNESDAY, 8TH NOVEMBER, 1826.

No. 1901.

Higgs and Briggs

WILL SELL
BY AUCTION,
To-morrow, the 9th Instant,
A CASE of Amber, Bugle, and
Glass Beads, of a variety of col-
ours,
AND
Several dozen of excellent Rom
Shrub.
Meadows Street, 8th Nov. 1826.

Higgs and Briggs

WILL SELL
BY AUCTION,
To-morrow, the 9th Instant,
AN Invoice of Glass-ware, from Pel-
latts and Green, St. Paul's Church-
Yard, comprising, Decanters, Cream
Jugs, Antique Ditto, Water Bottles, Cut
Tumblers, Salt Cellars, Sweetmeat Pots,
Cruets, Castors, and Mustard Pots, Dish-
es of Sizes, Honey Pots, Caddy Ba-
sons, Toilet Bottles, Liquor Ditto, Sin-
gle and Double Branch Wall Shades,
Ditto with Cut Pans, Drops and engrav-
ed Shades, Candlesticks, with engrav-
ed Pillar Shades, Double Branch Do.
with Ditto, and Glass bottomed Vase
Lamps of Sizes, with plated and brass
Furniture.
Meadows Street, 8th Nov. 1826.

Higgs and Briggs

HAVE JUST EXPOSED
FOR SALE
THE FOLLOWING
PICTURES,
IMPORTED PER
RECOVERY,
CAPE of Good Hope,
Gold Frame, ... Rs. 30
Isle of France, Do. 40
A pair Woodford in a Gale, Do. 45
Letter of Introduction, ... 45
Iris, Do. 55
Four Battles in Black Frames, viz.
Downs, Nile, Copenhagen and
Trafalgar, ... 90
Plan of an Indianman's Deck, ... 10
View of Montrose, ... 15
A pair Shannon and Chesapeake and
Endymion, ... 45
Mary Queen of Scots, ... 15
Margate, ... 18
Whale Fishery, ... 25
View of Elgina, ... 12
Meadows Street, 8th Nov. 1826.

Higgs and Briggs

HAVE FOR SALE
On Commission,
THE
ORIENTAL HERALD,
FOR FEBRUARY AND MARCH.
PRICE PER COPY RS. 4.
FOR APRIL, MAY, AND JUNE,
PER COPY RS. 5.
Meadows Street, 8th Nov. 1826.

Higgs and Briggs

HAVE FOR SALE,
On Commission,
THE FIRST PARTS OF
GRINDLAY'S VIEWS,
BEING A Scene in Bombay, Ap-
proach of the Monsoon in Bombay
Harbour, the Shaking Minarets at Ahme-
dabad, the Rajah of Cutch with his vas-
sals, and the Mountain of Abo in Guze-
rat.
PRICE RUPEES 30.
Meadows Street, 8th Nov. 1826.

Higgs and Briggs

HAVE JUST RECEIVED
FOR SALE,
On Commission,
A LONDON BUILT
LANDAUETTE,
NEWLY LINED IN THE NEATEST STYLE.
PRICE RS. 3000.
Meadows Street, 8th Nov. 1826.

Edujee Cursetjee's Sons,

WILL SELL
BY PUBLIC AUCTION
On FRIDAY, the 10th Inst.
AT 3 o'CLOCK AFTERNOON,
AT THE DOCK YARD,
A COPPERED Pleasure BOAT
with all her Stores &c. and well a-
dapted for going to any part of the
Coast.
Particulars and Conditions will be
made known at the time of Sale.
Bombay, 8th Nov. 1826.

Edujee Cursetjee's Sons

HAVE Received by the late Arrivals
for sale, two Pair of Handsome
Eight Light Chandeliers, with Spare
Articles.
Bombay, 8th Nov. 1826.

Edujee Cursetjee's Sons

HAVE received for Sale, a neat light
PALANQUINSHIGRAMPOE,
for a single Horse.
PRICE RUPEES 700.
Bombay, 8th Nov. 1826.

NOTICE IS HEREBY GIVEN,
THAT the deed appointing the Rev.
HENRY DAVIES and JAMES BRIS-
CO GRAHAM, of Bombay, Gentleman,
Trustees to the affairs of the late Firm of
BAXTER AND COMPANY, upon
the condition of the Creditors of the said
Firm coming in and executing the said
Deed within six weeks from the date
thereof, viz. from the 20th day of July
last, having become void, by reason of
none of the Creditors having executed
the said Deed, it has been since cancel-
led; and in order to effect a settlement
with the Creditors, all the right, title,
and interest, to the outstanding debts,
and stock in trade, of the late Firm of
Baxter and Company, has been assigned
to Messrs. BALCRUSTINA AND GO-
PAL, of Bombay, Native Bankers, to
whom the said Debts are requested to be
forthwith paid, in order to effect a speedy
payment of the claims undertaken by
them, and for that purpose accounts will,
with all practicable despatch, be furnish-
ed to the late Constituents of the said
Firm by Mr. ROBERT BAXTER, re-
maining Partner of the said late Firm.
Bombay, 1st Nov. 1826.

MR. ROBERT BAXTER,
HAVING made an arrangement with
Friends which will enable him to
supply Goods to such of his Friends as
have been punctual in the liquidation of
their accounts, takes this opportunity of
soliciting the continuance of their much
valued friendship and support, and begs
thus publicly to acknowledge the many
obligations he already lays under for
favours conferred.
Bombay, 1st Nov. 1826.

TO BE SOLD,
BY AUCTION,
ON THE PREMISES,
On MONDAY next, the 13th Instant,
The Sale having been unavoidably postponed
till that date,
WITHOUT RESERVE,
THE Pleasant retreat of BEACH
COTTAGE, for a more particu-
lar description of this valuable little Es-
tate, those who wish to purchase are re-
ferred to a hand Bill, laying at the GA-
ZETTE OFFICE.
And at the same time will be sold for
ready Cash, some Articles of Household
Furniture, Lamps, Glass Ware, &c. &c.
which must be cleared away immedi-
ately after the sale.
TERMS OF SALE FOR THE ESTATE.
A deposit of Ten Rupees in the hund-
red to be paid down by the Purchaser of
the Estate on the Day of Sale, and the
balance of the amount of the purchase
money, to be paid three days after, in
default of which the deposit to be forfeit-
ed and the Estate to be resold at the
risk of the first Purchaser
Bandora Beach Cottage, 17th Oct. 1826.

WANTED,

To Attend a Sick Gentleman, to Europe,
A STEADY Native Servant, who has
been accustomed to wait on Officers
on board Ship, and perfectly understands
his business.
None need apply who cannot produce
the most unexceptionable Vouchers;
and references as to character, &c. any
of such description, will meet with an
employer, on liberal terms, by applying
to D. L. at a large Bungalow near Gir-
gaum Church.
Bombay, 8th Nov. 1826.

TO BE LET,

AND may be intered on immediate-
ly, that large, and Commodious
House No. 2, Rampart Row, belonging
to the Estate of the late EDWARD
WILLIAM HUNT Esq.
For further particulars apply at the
Office of Messrs. LECKIE AND Co.
Bombay, 8th November 1826.

For Freight or Passage
TO LONDON,
THE FINE SHIP



Britannia A. 1.

BURTHEN 500 TONS.
Wm. Bourchier R. N.
COMMANDER,

WAS to leave England on or before
the 12th July, and may be
expected here in the course of this month.
This Ship has had a thorough refit in
England, been new coppered, had her
accommodations altered and enlarged
and is now as neatly fitted up as any
vessel that visits Bombay.—The Britan-
nia carries a Surgeon and will be dis-
patched from this in December.
Plans of her accommodations may
be seen and further particulars learnt
on application at the Office of Messrs.
ADAM SKINNER AND Co.
Bombay, 8th Nov. 1826.

Passage for Liverpool,
PER THE SHIP



DOROTHY,

JAMES GARNOCK,
Commander,

A REGULAR TRADER,
To Sail on the 26th Instant,
APPLY TO CAPTAIN GARNOCK,
At the Office of RITCHIE STE-
UART AND Co.
Rampart Row, 8th Nov. 1826.

GENERAL ORDERS,

By the Honorable the Governor in Council.
BOMBAY CASTLE, 27TH OCTOBER 1826.
No. 311 of 1826.—The following promotion is made.
15th Regiment N. I.
Ensign A. Hamerton, to be Lieutenant, vice C. R.
U. Jones, deceased.—Date of Rank 17th October
1826.
No. 312 of 1826.—The following appointment is
made.
18th Regiment N. I.
Lieutenant A. F. Bartlett to be Adjutant, vice Luy-
ken promoted.—Date of appointment 16th September
1826.
Bombay Castle, 30th October 1826.
No. 313 of 1826.—Lieutenant Colonel Comman-
dant W. Turner, of the 1st Light Cavalry, is allowed
a furlough to Europe agreeably to the Regulations
for three years, from the date of his embarkation,
By Order of the Hon'ble
the Governor in Council
D. GREENHILL,
Act. Secy. to Govt.

To the Editor of the Bombay Gazette.

MY DEAR SIR,
I hope your correspondent KOOLABHOO
will not vanish suddenly, as some before him
have, from your entertaining columns.—The
good humoured raillery, which echoes "like
the faint laugh of the maiden heard a far off"
throughout the two first of his productions, is a
thing of price which should not lightly be
thrown away; because it is capable of doing
much good.—I am not so satisfied with the
last part of his manuscript; which, glowing and
elegant as it is, wants that spirit of playfulness
(so familiar to K.) which improves while it
chastises.—I hope K. will take this hint no less
kindly than it is meant; for too much seems (in
the paper dated 25th Oct.) poured out like a
bitter draught from the vials of wrath, for any
one to swallow, and it is for this reason I blame
it; but let him not imagine that in so doing I
utter a word against his protection of "him who
had kicked the dust of the journey against the
gate of many an eastern town" far from it.—
I think there is something not very unlike
back-biting on the part of those who publish in
India against the person here alluded to
whose recent misfortunes claim forbearance.
KOOLABHOO will readily credit my strict-
ures on his last, as above expressed, to be
well intended, by the remarks I condescend
to offer on his wonderful correspondent B. who
appears to be in a sad taking, & vain as he evi-
dently is, of his writings (none of which, by the
way, I have ever read) he must be humiliated,
indeed, in self-estimation if he can discover
aught in KOOLABHOO to apply either to them
or to his own personal character. He attempts
but a feeble and nerveless buffet at K.'s style
which is surely less scriptural than that of the
"Pilgrim's Progress" which was, never doubt-
ed to be written for a good purpose.—Would
B. deem a bow-street Officer aught less than
fastidious who would reject the use of a church,
for the security of a criminal, if it chanced to
be the nearest strong hold fit for that purpose?
—Certainly not—then as he has called KOOLA-
bhoo the "Bombay Hampden;" I will take
full advantage of the inference which naturally
springs from the subject and rank (him Koola-
bhoo) as a patriot of a very low order, if he
had only the apprehension and exposure of
one so insignificant as B. in view, when he com-
posed pieces so rare as those you, Mr. Editor,
have been favoured with; KOOLABHOO has
indeed applied the keen point of his satire to a
worthless object if either B. or his writings be
that to which it is depest.

It is to be wished by every kind-hearted
person that B. had not subjected, to his ban-
tering, commendatory notices on a certain great
literary character who surely did not willingly
sanction their being made a tail to so deformed
an imp. B. calls himself a sun.—I think a
comet had been the more appropriate light, not
only because of this resplendent tail, but also
because men see the sun every day, whereas
one like him, a comet, with such a tail come
(heaven have all laud therefore!) seldom in
centuries.
As conclusion to these remarks, which I
recommend, to B.'s special consideration, al-
low me to say that he has paid KOOLABHOO an
unwitting compliment in allusion to the patent
for bookmaking which runs thus "Tack sen-
tence to sentence and you may suck the honey
of another's labour." B. "regrets that K. has
not been plagiary enough to do this.—B. regrets
that KOOLABHOO did not practically adopt his
(K.'s) own theory regarding words—"never
mind their meaning" touching sentences—"re-
gard not their connexion" and what is the bril-
liant conclusion of B. upon this?—
laugh not ye powers of reasoning at thy fell
abuser!—that if KOOLABHOO had "never
minded the meaning of his words" "and never
regarded the connexion of his sentences" "
there would probably have been some sense
and truth in his writings"—this is all
seriously meant—there is none of the deep
irony of the original patent granted here—
the mechanic may dispose of a patent like this
but cannot part with the inventive powers
which gave it being—what follows the
able deduction?—As if it of itself were
inexplicit and required a cliché—frown
not ye delicate graces of style, at that harlot
Tautology!—"which is not the case as it
now stands."

This is sad, sad laziness of thought, and
looseness of expression, of which I will wish
B. all comfort and great joy, so long as I am
a brother honey-sucker from the labours of
others and like him am.
ADRONE BUT NO BEE.

To the Editor of the Bombay Gazette.
THE MANUSCRIPT OF KOOLABHOO TWIN-BROTHER OF
Cal-ah.
Continued.

Methought I gazed from the brink of a fair

river, in which many goodly Ships raised their stately masts like minarets in the blue sky, and lo! a little fish did roll in pleasant gambols casting its golden scales against the Sun's light, as it tried to seize a strange thing which floated upon the face of the water. —Now by reason of its little mouth this fish could not grapple the strange thing (which I know to be a bladder filled with wind, such as boys sport with, when they swim upon the deep) so that ever when the fish sprung did the bladder leap from the surface and anon rested there as if to tempt renewal of these thriftless efforts. —Much mused I upon this. —These noble Ships which cut the shining wave of the ocean, and which reel down the white breaker of the north, bearing within them the treasures of many a land — are not these (can nobler be mentioned) monuments of man's ambition, which ever beckoneth him beyond his powers? —The fish twisteth not into more curves thro' the wave, than man bendeth thro' the fleeting affairs of this world pursuing the bright phantom of happiness; and well is it for him, if (like this little fish) he earns but labour for his hire, and clasp not distraction to his bosom instead of the fulfilment of its hopes. —Who is devoid of ambition — hath not the meanest thing which, with man's body crawleth on the base sod whence it sprung — hath not it even — after its own sordid affections — quenchless longing for a something ever eluding its grasp yet oft-times apparently within it? — This must remain until man's nature be changed.

II.
As if to personify, in utter abjectness, the last of these my musings, now came unto me, my twin-brother Cal-ab. — In strangely fashioned and motley attire, came he rioting like unto me who stinteth not in the use of strong wines, and who swalloweth without fail, while aught remaineth to be poured forth. —

As he drew nigh, I knew that the head-gear, which covered him, was of my fashioning, and such as privileged persons, in olden times, did wear in the halls of the mighty, as a sign that none should give ear unto their sayings for the purpose of replying thereto, much less for that of being wroth thereto. — And I saw that in the stead of bells (which used of old to ornament caps like unto his), he had fixed shreds of paper such as the maiden keepeth where with to preserve thread for her loom — therefore called thread-papers — and lo! upon these shreds, which flapped with every wind, by reason of their lightness, were written many vain things touching the wisdom of my twin-brother, and which at first sight appeared unto me, so many notable jests written by cunning men who guide the literary world yet who quiz the unwary and vain — these truly so appeared to me, until much to my amazement, I discovered many and most of the same to be of his own hand-writing, and from their wording and style judged I that no one save himself believed them, for they seemed written out of conceits of his own brain none other being capable of framing the like.

III.
When my brother approached me his eye was cold, and he insisted that I am not Koolabhoos, and must therefore make myself otherwise known among men; this uttered he after a perversion of intellect, strange and unheard of since the time of Junius whose sayings are as a sweetly smelling sacrifice even unto this day — Yea after the way of a foud woman, who seeth a comely youth at a revel, did he entreat me to cast aside the mask which I have taken for the purpose of solacing myself, having him for a laughing-stock — O! good soul — did he imagine that, with him for a merry-andrew, who ranketh himself with Governors of Countries, and mighty Princes — marry come up! — did he believe that I will forego such excellent diversion (as it is my fortune to have at his expense) by flinging aside my robe and embracing him as who should say hail fellow mine, well met! — impossible — did he believe — O! he could not — that I having held against him a mirror wherewith to catch his likeness (the verisimilitude whereof he hath owned) — I repeat it — he could not and cannot flatter himself that I will be more or less than Koolabhoos twin-brother of Cal-ab begotten by the man in the moon! —

IV.
When my brother found me unshaken in this matter, he said wherefore my brother hast thou thus fashioned the cap I now wear, of which although I have admitted the fitness; yet within and for the lining thereof hast thou sown thorns which sorely gail me, truly my brother it is not well, thus to taunt me, and thou hast much to answer for in casting before me, and in my path snares which I am ever too ready to grapple at, although I sometimes do so to as little effect as the little fish trieth, to catch the bladder wherewith thou hast been so pleased!

V.
Then said I unto him — of what complainest thou, I made the fool's-cap to fit thee; but (let thine own candour answer thee) did I bid thee wear it? — vain man, thy exalted opinion of thine own wisdom hath taught this error — thy heart is lifted up within thee, and must have a fall; for thou wilt act so, that thy name will be remembered only as a byword when men would exemplify that which is worthy of mockery — self exalted, thou shalt be abased — self esteemed thou shalt be despised!

VI.
Then answered he — who can contend with truth — leave me but this one thing, and with aught else do as thou wilt. — My writings are the fondled urchins of my fancy (not that I say these are all my own offspring, but that of others) have not I pleased many therewith, and are they not rare! —

VII.
Rare, indeed, oh! Cal-ab; but to behold vanity cease her dominion over thy heart, would be a wonder far passing either this of thy writing, or any other whereof sage hath spoken or poet dreamt. — Tell me not of thy hireling labours, neither broker — like, of their price; for truly I might become rich in the land, if thou wouldst only sell them unto me as the world valueth them, and repurchase them at the price thine own conceit hath spoken. — Thy puffing, brother mine, will not avail with those who know thee; therefore buoy not thyself, nor lift thy heart with vain imaginings. Oh! write not thy name in brazen characters among those that are glorious, and shall like adamant be imperishable, while thine (little known) must wane away like that pale planet of the night which so much hath influence over thy writings the Moon. — Thy writings all wise, and beautiful as thou holdest them are consecrated even in thy day at its brightest to a temple far other than those they have hallowed. — Truly thou art luminary, and thyself hast said it; yet hast thou shone brighter by reflection than heretofore, why therefore reject the feeble rays I have to offer, and deny our connexion?

VIII.
Oh! brother of my love as of my blood, for the rejection of my tenderness I could almost find it in my heart to advise that for the happiness of men still retaining reason, thou shouldst succeed in all thy views and for ever after hold thy tongue; yet for that thou hast winning ways even with all thy follies, and because if thou wert away, who should I have to laugh at, even for these reasons, selfish as both are, I will not lose thee. — Oh? cheer me again with the sound of thy voice, which is as music — with that wonder of thy wisdom, which is above all price — with the fair pictures of kingdoms thou hast seen, which are more precious than rubies — with thy ways which are those of pleasantness — Oh? out of the delight of thy heart speak to me again I beseech thee, and not turn away from.

KOOLABHOOS.

To the Editor of the Bombay Gazette.

SIR,
I have just seen the letter of M. in your paper of Wednesday last, in which, tho' he professes to have enquired into "the nature and origin of the dispute at present existing among the Parsees," he has strangely neglected to inform us, what is the real bone of contention between the two parties. It is no other than this — whether the Kubeesa or any other intercalary period ever has been observed, or whether it ought to be observed by them according to the ancient Persian Kalendar.

The Quadeemee, whom M. rightly states to be the most violent, and whom I may also designate as the richest, and most ignorant, deny that any Kubeesa ever was observed by the ancient Persians, and this in contradiction to express historical evidence: and further to shew their astronomical knowledge, they assert that the earth makes a complete circuit round the sun in 365 days, and consequently that we are completely wrong in introducing one day every fourth year, and that it is our Kalendar that is advancing, and not theirs that is retrograding that causes the difference between us.

The Resumees maintain the contrary, and wish that the observance of the Kubeesa should be revived; they also wish, as I understand to correct their Kalendar, by restoring the Nowroz to its original place at the Vernal Equinox. Perhaps it would be better if they were to adopt our method of intercalating one day every fourth year. The correction necessary to be made would be to begin the present year 1196, again on the 21st of next March, and to let it be the first leap year by keeping a *Jathaw* of six days instead of five at the end of the year. Their dates would then correspond exactly with ours throughout the year except a difference of one day during the first half of March in every leap year, occasioned by our intercalary day, being introduced at the end of February, and theirs not till the 20th March.

In reference to the observation by Taleb, of the difficulty of supposing the Kubeesa to have been regularly observed previous to the reign of Yezdegerd, I would beg to notice that in the Ayeen Akbery, I think it is stated that every King of Persia commenced a new Era, from the date of his accession to the throne. Might they not also have commenced a new year, on the day of their accession? this will solve the difficulty; it is however but a mere conjecture.

ASTRO.

Nov. 3d 1826.

EXCHANGE.
On London 6 months at 1/2 to 1/4 1/2.
Calcutta 1/2 30 days 103 1/2 Bombay Rs. per 100 Siccas.
Madras 1/2 30 days, 99 1/2 Rs. per 100 Madras.
A five per cent loan open.

THE GAZETTE.

B O M B A Y.

WEDNESDAY, 8TH NOVEMBER 1826.

The Arrivals since our last have been the H. C.'s Cruiser Thetis, Lieut. E. W. Harris, from the Malabar Coast; H. M.'s Ship Boadicea, W. T. Carrol Esq. C. B. Capt. from Madras the 26th September and The Imaum of Muscat's Ship of War the Prince of Wales, Mahomed Bin Ibrahim bin Husson Nacquadah, from Muscat the 23rd October.

Passengers per Thetis. — Dr. and Mrs. Macaulay.

Departures Ship Boyne (Free Trader) David Miller Commander to Tellicherry, Cape of Good Hope, and London, H. M.'s Ship Boadicea, W. T. Carrol Esq. C. B. Capt. to Trincomalee.

Passengers per Boyne. — Mrs. Dr. Young and Child; Mrs. Gray and Child; Miss Macintosh; Major Thompson; Major Rogers; Mr. Holyoake; Major Barnwell for the Cape and Captain Pruett for Tellicherry.

Several Ships from England, we observe have lately arrived at Calcutta, and one the Carn Brae Castle left London so late as the 3d July. We have looked in vain however for any thing in the shape of news beyond what we already possess, and we suspect our readers have had enough of General Elections to require any thing more on that head. It appears however that the Ship Maitland that left this Port about the end of December, and the Ship Sarah that also left this on the 5th January, had both arrived in England, the former on the 21st, and the latter on the 19th June.

Lowjee Castle was thrown open on Wednesday last, to the fashionable world, and about 9 o'clock, all the beauty and elegance of our little Island began to assemble, to enjoy the pleasures of a fancy dress ball. Among the various characters assembled, we particularly noticed the following — a Lady in a court dress of the reign of Queen Anne; this superb dress consisted of a gauze petticoat, richly ornamented with spangles, and gold embroidery, the body and train were of dark green velvet, finished with a gold edging, the hair was drawn back to the crown of the head, and surmounted with a magnificent plume of white feathers, altogether the costume of former days, was rendered more imposing by the strong contrast between it, and the more elegant, but not so striking, Grecian style of costume now sported by the fair; a Merchant's Lady of the middle of the sixteenth century dressed in a crimson robe faced with white satin, over a petticoat of the same, the head dress was a simple black hat, finished with a band of gold; a Polish Lady of rank in a crimson robe over white satin, the body and front of the robe were ornamented with pearls, as was also the hair, a veil fastened at the back of the head, but brought to the forehead gave an elegant finish to the whole; several groups in the simple but becoming costumes worn by the Swiss and Tyrol peasantry. — Among the male characters we particularly admired, a Scindian chief, a Cossack, a French Postillion, and Mr. Attorney Ferret, ferreting out clients; but were we to insert all the characters displayed in the festive room, we should far exceed our limits — Spaniards, Parsees, Moguls, Veterans, Sailors, were all seen exerting themselves for their own amusement, and that of those around them. We cannot however pass over a group, that attracted universal attention towards the latter part of the evening; this group consisted of a venerable Grandmama, an overgrown spoilt Boy who was not at all sparing of his lungs, and a comely Ayah, the little party after sustaining their parts with much spirit for a few minutes retired and did not appear again. — Quadrilles were the order of the evening and were kept up with much gaiety and spirit till an early hour in the morning.

AMERCHUND BEEDERCHUND.

vs.

THE COMPANY AND OTHERS.

This sleepy and sluggish cause finally terminated on Saturday last; during its progress the subject became so stale, and uninteresting that scarcely a bystander was latterly seen; and if seen could not be prevailed upon to prolong his stay above a few minutes; such a cause would have lasted in the Court of King's Bench, about three days, even if all the evidence had been gone into; the mode and manner of interrogation there as far as our recollection serves, is pointed and sensible, and at once proves the whole matter in dispute, but here where some allowances ought to be made for a debilitating climate, the subject of investigation is spun out to an appalling length, and the case by such means assumes an importance which really does not belong to it. The question as far as our humble powers enable us to judge resolved itself into two very simple points, the first whether the property seized by the defendants was the property of Naroba Outa, the plaintiff's Testator, and secondly whether the seizure took place at such a time during the late Moharratta War, or before the Peace, as to make the subject matter a subject of prize and thereby to exclude the municipal Courts from Jurisdiction

thereon; to plain ordinary understandings one would suppose there could be no difficulty in finding the truth upon either of these questions, and that at the utmost even with the inconvenience of Interpreters, two days would be sufficient for the purpose; it happened otherwise for we believe that not less than 21 days were actually expended in the investigation; Saturday last was the day on which Mr. Morley was to make what we are informed is termed in the Law his general reply, that reply if it is entitled to that appellation was certainly made, but instead of confining himself (as we conceived he would be anxious to do) to the legal points of his case, he continued a very superb oration long after all the Boxes were cleared, & strangers had withdrawn to the great edification and improvement of all those who were compelled to listen to his fulminations; his illustrations were beautiful and his information uncommonly profound; he told us that the defendant Captain Robertson was formerly a Cadet then an Ensign and then a Lieutenant; was the 3d rank in the army to treat his client a man of the first eminence in the state in the manner he did! This reasoning is a peculiar trait of the learned Gentleman's mind, now we do not profess to know much of legal proceedings but in a question for the recovery of property what does it signify whether a Lord or a Chimney Sweeper withholds it, do the damages vary according to the rank of the party so tortiously possessing it? and if they do will the learned Gentleman tell us which of these supposed characters is to pay the most? according to our humble Judgment a venetian in the pocket of either of them is a venetian still; again, the defendant Robertson was charged with seizing the property with the sole motive of pocketing the commission. Now if we are not mistaken there is evidence that Robertson refused to take any commission at all by which he deprived himself of 20,000 £. so much for the accuracy of the learned Gentleman; again The defendants counsel were charged with having ventured to tell the Court that the defendants were great public characters and that it had been no easy matter for him (the very learned counsel for the plaintiff) to bend down the necks of the defendants and to make them submit to the authority of the Law, and that the Defendants witnesses were all tutored & perjured but that his own were all honest and honorable men. This was nearly the general style of the learned Gentleman throughout, we are not able precisely to comprehend the object of such eloquence as this, but perhaps the Gentleman has dreamt of Burke Sheridan Erskine and Philpot Curran, and he might have been haunted by the genius of such men; we believe he has now become the great champion for public liberty and intends no doubt to release from Bondage 100 millions of people, by the force of reason and eloquence alone; indeed impressed as we must always be in favor of his fluent and fascinating oratory, chaste and elegant as it always is, we cannot restrain the imagination from making comparisons between himself, and those brilliant stars now no more, which though they dazzled the generation in which they lived would have been thrown into utter obscurity had they so journeyed and run their course in the present times.

We can admire independent principles as much any man, and when we discover them, we shall never be backward in their praise, but for such principles as these we have no relish, and we shall never envy their possession let them appear in what quarter they may.

BOMBAY.

ARRIVALS. — Lieut. A. Orr, 25th Regt. Lieut. Col. T. Burford, 14th Regt. Capt. F. Foshery, 8th Regt. M. N. I. Surgeon K. Macaulay, Madras Establishment, Ensign E. W. C. Parry, 21st Regt. N. I. Lieut. Col. Taylor, 25th Regt. Ensign Adam A. Drummond, 11th Regt. Major S. Hughes 4th Regt. N. I. Captain A. Seymour, 20th Regiment. Ensign Chas. Rock, 22d Regiment. Captain Thomas Jervis, Engineers. Lieutenant E. Newell, Revenue Survey. Captain J. Mohsforth, A. Comy. General. DEPARTURES. — Lieut. C. H. Johnson, 12th R. giment. Lieut. Colonel Elwood. Ensign Richard Hughes, 3d Regt. N. I. Captain Blackall, 11th Regt. N. I. Lieut. and Qr. Mr. J. B. Bellasis, 9th Regiment N. I. Ensign J. Holmes, 12th Regiment N. I. Lieut. R. Webb, 17th Regiment, N. I. Lieut. William C. Manesty, 8th Regt. N. I. Lieut. Colonel E. Hardy, Artillery. Assist. Surgeon F. Crawford, 26th Regt. Ensign C. Lucas, 4th Regiment, N. I. Lieut. H. Jacob, 49th Regiment. Ensign G. S. Cooke, 18th Regt. Ensign W. R. Forbes, 4th Regt. Capt. J. Jopp, Dep. Surg. General. Lieutenant Colonel Taylor, 6th Regt. Ensign Lewis 22d Regiment. Lieutenant Hunt 1st Gr. Regiment.

NAUTICAL CHRONICLE.

AND NAVAL REPORT.

BOMBAY.

ARRIVALS. — Oct. 31st The H. C. Cruiser Thetis, Lieut. E. W. Harris, from Malabar Coast. Nov. 1st His Majesty's Ship Boadicea, W. M. F. Carrol Esq. C. B. Capt. from Madras, 26th Sept. 2d. Imaum of Muscat's Ship of War Prince of Wales, Mahomed bin, Ibrahim bin, Husson Nacquadah, from Muscat, 23d Oct. Do. Armed Ketch Vigilant, Doss Mahomed Syrang from Rattagery. Passengers by Thetis. — Mrs. Macaulay, Dr. Macaulay. DEPARTURES. — Nov. 1st Ship Boyne, (Free Tra-

der) David Miller, Commander to Tellichery, Cape of Good Hope and London.
4th. His Majesty's Ship Boadicia, W. F. Carroll Esq., C. B. Capt. to Trincomali.
Passengers by *Boadicia*—Major Thompson, Major Rogers, Mr. Lolyoke, Mrs. Gray and Child for London, Major Farwell for the Cape of Good Hope—Dr. D. S. Young, Mrs. Young and Child, Miss Mackintosh, and Captain Preen, for Tellichery.

SHIPS LOADING.

English.—Recovery, for London.
Providence, for Do.
Dorothy, for Liverpool.
James Scott, for China.
Constance, for Mauritius.
Sophia, for Persian Gulf.
Arab—Brig Antelope, for Do.

CALCUTTA.

ARRIVALS.—October 17. French Ship *Duc de Bourdeaux*, Gallais, from Bourdeaux 9th June—Ship *Eliza*, G. Cuthbertson, from Ramree 9th October—Brig *Macaulay*, J. Aiken, from Ramree 7th October—Malabar Ship *Doorgapersaud*, Tunno Gilapat, from Coringa 16th September.

October 18. H. C. Ship *Rose*, T. Marquis, from Madras 30th September—Ship *Hercules*, W. Warden, from Amherst Island 10th October.

Passengers per French Ship *Duc de Bourdeaux*:—Mons. Antonio Fezzone, Diogo de Trormina, Tactano de Trormina, Hypolite de Gonor, Picochino dit Senior.

Per *Eliza*, from Ramree:—Lieutenant T. Smith, Adjutant, 6th Regiment Native Infantry, Commanding the Detachment; Assistant Surgeon T. McKee, 6th Native Infantry; two hundred and fifty-four Sepoys and Followers of the 6th Native Infantry, Sick.

Per Brig *Macaulay* from Ramree:—Lieutenant H. Frederick, 6th Native Infantry; and two hundred and eight Sepoys of the 6th Native Infantry.

Per *Hercules* from Amherst Island:—Lieutenant J. B. Fenton, 6th Regiment Native Infantry; Lieutenant George Lillie, ditto; Ensign H. Cotton, ditto; Surgeon A. Cocke, ditto; Assistant Surgeon W. Greenwell, 6th ditto; Mr. A. Duff, Junr. Assistant to the Civil Commissioner at Ramree; two hundred and seventy Sepoys and Followers with the Head-Quarters of the 6th Regiment Native Infantry.

DEPARTURES.—None.
STATIONS OF VESSELS IN THE RIVER, OCTOBER 17, 1826.

DIAMOND HARBOUR.—H. C. Ships *Marchioness of Ely* and *Prince Regent*—*Duc de Bourdeaux*, Brig *Macaulay*, and *Doorgapersaud*, passed up—*Eliza* and *Lutchmy* Provy on their way to Town—*Euphrates* proceeded down.

REDGEE.—Bengal Merchant, outward-bound, remains.
NEW ANCHORAGE.—Alexander, John Adam, Hashmy, La Belle Alliance, and Argyle, outward-bound, remain.

MADRAS.

ARRIVALS.—October 21. H. M. Ship *Slaney*, S. Thornton, from Rangoon; do. H. C. Frigate *Hastings*, George Dawson, from Rangoon; 22. a Ceylon Government Barge, W. S. Dro Waas, from Ceylon 15th October.

DEPARTURES.—October 18. H. C. Cutter *Recovery*, J. Andersson, for Coringa; do. Ship *Hercules*, W. Vaughan, for Calcutta.

MARRIAGES, BIRTHS AND DEATHS. BOMBAY.

BIRTHS.—At Hurnce, on the 11th October, the lady of the Reverend John Stevenson, of a son.
At Bhoo, on the Morning of the 16th October, the lady of Lieut. Henry Correllis, of a son.

At Bhoo, on the 22d of Oct. the Lady of Captain Soppitt, 26th Regiment, of a daughter.
On the 1st November, Mrs. E. Walpole, of a daughter.

DEATHS.—At Mahé, on the 21st September last, Monsieur Jacques Michel Menesse, aged 57th years most sincerely and deservedly regretted by his relatives and friends, and particularly his disconsolate Widow, and seven unprovided orphans, the latter still in their infancy. Monsr. Menesse, was too well known to many of the English Gentry, both in the Civil as well as the Military Services of the Hon'ble Company, to require any lengthened Eulogium on the goodness of his heart, or the virtues which adorned him in an eminent, degree, in private as well as in public life.

At Baroda, of fever, on the 16th Oct. Lieut. C. R. U. Jones, 15th Regiment N. I. deeply regretted by his brother officers.

At Byculla, on the 27th Oct. the lady of Dr. Charles Ducat, Civil Surgeon, Poonah.

On Wednesday the 1st Inst. at the house of the Rev. T. Carr, Garrison Chaplain, Mrs. Steward, Lady of the Rev. J. Steward, of the Church Missionary Society, of Bombay.

On the 6th Inst. Mrs. Adelaide Macauley.

CALCUTTA.

MARRIAGES.—At Calcutta, on Saturday last, the 14th October, at the Roman Catholic Church of Boitakomah, by the Reverend Fré Joaquim de Virgem Maria, Mr. Joaquim Pereira, to Miss Luzia D'Roza.

At Serampore, on the 16th October, at the Roman Catholic Church, by the Reverend Fré Anthony, V. M. Texeiro Vicar, M. J. F. J. Imhoff, to Miss Mary, third daughter of Mr. John Chambers, formerly a Merchant of Calcutta.

BIRTHS.—At Calcutta, on the 13th October, the Lady of Capt. P. Roy, of the Country Service, of a daughter.

At Calcutta, on Sunday, the 15th October, the Lady of Mr. H. C. Watts, of a son.
At Monghyr, on the 9th October, the Lady of the Reverend W. Moore, of a son.

DEATHS.—At Calcutta, on the 14th October, after a short illness of 7 hours of convulsive fits, Master Francis Paul, the infant Son of Mr. J. Paul, aged 1 year, 2 months and 1 day.

At Calcutta, on Saturday, the 14th October, Mrs. Augusta Emily Hall, at the early age of 22 years, 2 months and 15 days.

At Calcutta, on the 15th October, Captains H. W. Pridham, of the Country Service, aged 32 years.

At Bankipore, on Saturday, the 7th October, at 12 o'clock at night, at the house of her Sister Mrs. Eugenia Gomes, relict of the late Robert Gomes, Senior of Chupra, aged 29 years and 28 days, after a lingering illness of nearly 6 months, which she bore with Christian fortitude, leaving a number of relatives and friends to deplore her irreparable loss.

MADRAS.

MARRIAGES.—At Wallajahbad, on the 15th Oct by Padre Rodrigues, Timothy Rives, to Mrs. Louisa Campbell, Widow of the late Mr. John Mullin.

BIRTHS.—At the Presidency, on the 18th October the Lady of the Reverend F. Spring, M. A. of a still-born child.

On the 23d October, the Lady of J. A. Hudleston, Esq. of a son.

On the 10th Oct the Lady of G. Tod, Esq. of a daughter.

At Vellore, on Wednesday, the 15th Oct the Lady of Oliver Frederick Sturt, Esq. of the Madras Native Infantry, of a son.

At Pondicherry, on the 7th May last, the Lady of Captain N. I. De Bergeon, half-pay H. M. Meuron Regiment, of a son.

Lately, at Bangalore, the Wife of Mr. Sub-Conductor Hugh Mackenzie, of the Ordnance Department at that station, of a son.

On the 19th Oct. the Wife of Sergeant Major Williams, of the Honorable the Governor's Body Guard, of a daughter.

On Wednesday, the 18th Oct. Mrs. E. MacDowell, of a daughter.

DEATHS.—At the Presidency, on the 16th Oct. Lt. Thomas Man Simkins of His Majesty's 46th Regt., aged 39 years;—he formerly belonged to the 34th Regiment, with which (corps he made four campaigns in Spain and Portugal; he was nineteen years in His Majesty's Service, and his constitution was completely destroyed by the hardships of his profession; he has left a Widow and four children to mourn the loss of a most affectionate husband and parent.

On the 24th August last, near Rajahmundry, Captain Richard Cooke, 29th Regiment N. I. an Officer much respected, and whose loss deeply lamented by his afflicted Widow.

At Vepery, on the 20th Oct. *Agnes Virginia Mary Rae, the infant daughter of the late Mr. Conductor Rae, and grand daughter to Mr. Assistant Commissary Gibson of the Ordnance Department, aged 2 years and 1 month.

At Pondicherry, on the 9th October Mary Stuart Celestine, the infant daughter of Captain N. I. De Bergeon, half-pay of H. M. Meuron Regiment, aged 3 years, 4 months and 2 days.

CALCUTTA.

ASIATIC NEWS.

Mr. Crawford left Rangoon on the 1st, in the *Diana* steam boat, escorted by a small party of Europeans and of Native Sipahis and several gun-boats. He reached Henzada on the 8th, where he visited the Woonghee Maung Kiang, the intended governor of Rangoon and viceroy of Pegu, being invested with authority over the whole tract from Pagalum to the sea, who has been waiting at Henzada to take charge of his government on its evacuation by the British. The Woonghee returned the visit on the following day, coming in a war boat, attended by fifteen others, and a number of small boats conveying a retinue of four or five hundred persons: he was received on board the *Diana* with military honours, and remained on board two hours. He is described as a man of mild and conciliatory manners, and bears a high public character. He is said to have evinced some anxiety to dissuade the Envoy from proceeding to Ava, upon the grounds of his being possessed of powers to discuss any questions that might arise, and a reference to the Court being therefore unnecessary. On finding, however, that a strict adherence to the terms of the treaty was insisted on, he withdrew his opposition, and cheerfully nominated the persons who were to accompany the mission. The steam vessel got under weigh on the tenth, and the party expected to reach Prome in four days, and Ava in twenty. The following extracts from a letter from a friend, will give some further idea of their proceedings.

HENZADA, 9TH SEPT.—“We left Rangoon on the 1st, late in the afternoon, and arrived here yesterday: rather slow progress you will think, but the *Diana* is heavily tasked, having not only her own freightage, which is not inconsiderable, but a heavy passage boat in tow, with part of the European escort, baggage and stores; she has, it is true, a crew of forty rowers, but they are of very little use against the current—our progress, nevertheless, is better than it seems, as we have not been in motion above five days out of the eight, having stopped at Donabew and other places to collect fuel for the engine. The *Diana* is now about to cast off her heavy incumbrance, a smaller baggage boat having been procured here. We are now, I believe, half way to Prome, and expect to arrive there in four days, and to reach Ava in twenty more: we are all in high health and spirits, in great good humour with each other and ourselves, and delighted with our chief, whose only anxiety seems to be to make us all happy and comfortable. Nothing can be more different from Bengal, than the appearance of the country thus far. Not in natural features, for it enjoys the advantages of climate and soil, perhaps even in a higher degree, but the misery and poverty of the people, the oppression under which they are bowed down, and the total neglect of cultivation are beyond description. The powers of nature must be called into beneficial exercise by the industry of man, and the population of this country, is equally unable and disinclined to avail itself of the natural advantages, amidst which it is so scantily distributed. We saw nothing like a town after we left Rangoon, till we arrived here. A few straggling villages alone occurred half under water, without a single decent habitation: we saw very few inhabitants, and scarcely any horned cattle. Henzada extends about two miles along the right bank of the Irrawadi, close to the water edge, and is half under water when the river overflows. It consists of two or three irregular lines of detached & miserable looking hovels, perched upon wooden posts, as usual in this country. The only habitation that merits even the name of a bungalow, is a hut in the centre of the village, the palace of the Woonghee, the viceroy of Pegu, and one of the pillars of the state. The gentleman now here, is waiting to take charge of Rangoon, when our troops leave. We had several interviews with this august personage; he was very desirous to persuade the Envoy, that it was quite unnecessary for

him to travel so far as to Ava, but there was no getting over the stipulation in the treaty, and when the Woonghee found this was the case, which did not seem greatly to astonish him, he set to work to forward our departure with great good will. I cannot imagine the cause of the reluctance they shew to our proceeding to the golden feet. Perhaps, they may think the presence of an Envoy, under circumstances so different from that of any former deputation, will express too publicly the humiliation they have undergone. If such a feeling subsist, it will, no doubt, be soon dissipated by the judicious and friendly conduct of the Resident.

The Woonghee is a middle aged man, of courteous manners, and prepossessing appearance. He sent a war boat to convey the Envoy on shore, and when he returned the visit, he came escorted by a great number of paddling boats, as well as war boats, decorated with golden chattrals, and white flags, but not otherwise ornamented, except that occasionally the helm is gilt. The war boats and canoes are elegantly formed, and the simultaneous style in which they are rowed, oars, paddles, bodies, arms, and heads all moving with one motion, has a very curious and characteristic effect. The scene round the *Diana* is the most lively that can be imagined, as the most free intercourse is kept up with the shore. The Woonghee expressed himself much pleased by the appearance of the Europeans, who are all picked men, some of them six feet three.

At Donabew, we visited the defence thrown up by the Bundoola, and the spot where he fell was pointed out to us.

Dr. Wallich, you will be pleased to learn, has been botanizing with his usual zeal and activity; he has collected a number of new and curious plants, particularly an aquatic plant of the family of the nymphæ of the most singular structure, and which he regards as one of the most interesting he has ever met with. I suppose we shall have some notice of his discoveries in a Flora Burmanensis.

The gun boats that accompanied us hitherto return to Rangoon, which gives me an opportunity of dispatching this letter,” &c.

[Ben. Hurk.—October 20.]

NAVIGATION OF THE RED SEA.

To the Editor of the Bengal Chronicle.

SIR,—Much has been said, and much more may be said in respect to this intended Red Sea Navigation by Steam, permit me to submit what I am about to state through your columns, a few remarks of my own founded in experience.

The Red Sea Navigation is not only a dangerous one, but from the strong N. W. winds that blow eleven months out of the twelve above Cossier, it puzzled Admiral Blanket and the best manned men of war to reach Suez, and as for procuring either fuel or good drinkable water above Mocha, I am at a loss to know, where they can be got; indeed from Cape Guardafey to Suez, I defy you to procure firewood for the purpose of steaming, but at an enormous expence. True the S. E. & N. W. winds prevail between Guardafey and Mocha, steady in their seasons, but 3 or 4 degrees above that the N. W. winds blows 9 months in the year, so much so, that I have been in a 600 Ton Ship a month together under reef'd courses and close reef'd topsails and no small sea on; the greatest blessing is there is no rain, fine weather for a Steamer. I cannot say during the time, near 6 months, we lay in Suez roads, I saw 24 hours of a Southerly blow at one time, after which the N. W. wind blows with great fury, therefore if ever this Navigation comes into practice I should strongly recommend, that the port of Cossier should be the highest port touched at. And thus the most difficult part of the Navigation winds and dangers would be avoided. It was at Cossier General Baird landed the Indian army after severe struggles with some fine well found ships to get up to Suez. The distance from Suez to Cairo is at least 90 miles, and I should think the route from Cossier, to the same place equally easy on the desert. It takes 3 days from Suez to Cairo, and I should think it might be done in 5 from Cossier: as for a Depot, after leaving Bombay, there is continually blowing weather about the Island Socotra. Bird Island on the coast of Africa, Cape Aden or the Island of Babelmandel which you must pass close, would be in my judgment much better stations, also the Island called Gibel Tor,* a short distance above Mocha, and from which last place, a supply ought to carry them up to Cossier, but certainly no dependence ought to be placed in getting supplies with fuel or even good water; it is all brackish and generally half salt. At Cossier, a goat skin of brackish water cost the army a Spanish Dollar. Mocha is a troublesome port, and vessels lay a good way off. Water and some other articles may be procured, but supplies are generally brought from the Abyssinian coast; and Zella Bay close to the Straits of Babelmandel was the place whence H. M. Ship *Sheerness*, and others went and brought over supplies of long tailed sheep, &c. The wells of Zor produces the best water but in small quantity. At Suez there is a well two miles in the Desert, where the Camels take their draught for crossing over it. Three places 20 miles below Suez, were pointed out to the Shipping, which were dug, and where it was said water might be

*We are not sure, whether this is Zor or Tor.—Tr.

procured and some brackish water was obtained for the daily consumption. One well was better: these wells were called Moses's wells; the transports were all filled with wood and water in India. One ship was sunk in Tor harbour, she was filled with firewood, which brought all the natives far and near to dive and get as much as they could; these are the obstacles which I look too, and the expence of sending up Vessels with such supplies for the above undertaking. Now, Mr. Editor, if you think the above worth notice, you may, if you please, give them a place from one who had a narrow escape of destruction in the Red Sea. AN OLD SAILOR

We have inserted to-day an article signed an OLD SAILOR containing some remarks on the proposed pavigation of the Red Sea by Steam Vessels. He speaks from experience and his observations are, we doubt not, in so far as they relate to the difficulties which impede the ordinary mode of Navigation to be relied on. It is no reason however, we submit to an OLD SAILOR, that because Admiral Blanket in his men of war, however well manned and appointed, found it difficult to beat up from Cossier to Suez against adverse winds, and in an intricate Navigation, with ships of considerable draft of water, a vessel propelled by steam, capable of making 6 knots at least against a head wind and sea, (unless blowing a gale perhaps) and of a lighter draft of water than any man of war in the service, should find it all difficult, much less impossible. With regard to fuel indeed, it has been suggested by some, that wood should be used if procurable; but the intention is to use coals, and to have at least two if not three depots.

* AN OLD SAILOR offers some useful suggestions as to these depots, which will we hope be attended to. His objection to Socotra at least is worthy of consideration, and another one is, that the inhabitants of the Island are savages. As far as the Navigation of the Red Sea is concerned, the want of water would be perhaps the chief obstacle; but the Steam itself supplies fresh water.—Ben. Chron.

[Bengal Hur. Oct. 21.]

MADRAS.

We copy the following additional particulars of the loss of the Transport *Edward Stretzell*, from the Government Gazette of last Thursday.

We have been favoured with some details relative to the unfortunate loss of the H. C. Transport *Edward Stretzell*—from which it appears—that they left Tavoy for Madras on the 1st of July; and after a tedious passage reached Acheen Roads the beginning of September: three unsuccessful attempts were then made to proceed to S-a by the Bengal Passage, and the Ship was each time carried to the Eastward by the Current setting into the Straits of Malacca. On the 18th of September they went through the Surat Passage: in tacking the Ship missed Stays near the land and in a strong eddy, when she was driven on shore on *Pulo Gomez*, an Island outside the Passage, and totally lost. The Captain, Mates and Crew, with the Passengers were saved, with the exception of 20 of the Public Followers, who were unfortunately drowned in attempting to swim on shore from the wreck. A Brig had been hired to convey the Crew and Followers of the Army to Penang; and the Captain and Mates were proceeding to Calcutta in a Moorish Ship which was in Acheen Roads at the time, and bound to that Place.—The account concludes with stating, that “Lieutenant Milnes of the *Pioneers*, in charge of the Public Followers, volunteered with much spirit and courage, and at great risk, to swim to the Island with a line, in order to establish a communication between the shore and wreck, but in the attempt was so severely bruised against the wreck, as to render his proceeding to Madras on H. M. Ship *Slaney* absolutely necessary.”

Our correspondent at Rangoon has transmitted to us the following melancholy account:—

“On the 21 September at the Schooner *Tanga*, late of the Irrawadi whence she was to have proceeded on a trading voyage down the River, two Malay Lascars of the Crew rose upon the rest, between 2 or 3 o'clock of the morning of the day before mentioned and commenced an immediate work of death—they having already set to rest the troubles of a few of their fellow sailors, a tacked the Captain (Langley) who after having received one or two stabs jumped over board—the current being too strong and weakened from loss of blood he could not make the shore; but returned to the Schooner and implored most earnestly to be taken on board—As an inducement, the drowning Captain offered to discover where all the money on board was stowed away, provided they (the Malays) would send him a story.—The wretches to make their work secure, obstinately refused to allow him to come on board:—after vain solicitations the Captain left the Schooner and in his attempt to swim ashore, perished. Six of the Crew were murdered on board the Schooner, and two escaped wounded and bleeding—these reached the shore and made known the murders which had taken place.”

We are happy to state that the villains have (Continued after the Poetry.)

Poetry.

THE BIRDS OF PASSAGE.

Birds, joyous birds of the wandering wing!
Whence is it ye come with the flowers of Spring?
—“We come from the shores of the green old Nile,
From the land where the roses of Sharon smile,
From the palms that wave through the Indian sky,
From the myrrh-trees of glowing Araby.”
“We have swept o’er cities, in song renowned—
Silent they lie, with the deserts round!
We have crossed proud rivers, whose tide hath rolled
All dark with the warrior-blood of old;
And each worn wing hath regained its home,
Under Peasant’s roof-tree, or Monarch’s dome.”
And what have ye found in the Monarch’s dome,
Since last ye traversed the blue sea’s foam?”
—“We have found a change, we have found a pall,
And a gloom o’ershadowing the banquet hall,
And a mark on the floor, as of life-drops spilt—
—Nought looks the same, save the nest we built!”
Oh, joyous birds, it hath still been so!
Through the halls of Kings doth the tempest go!
But the huts of the hamlet lie still and deep,
And the hills o’er their quiet a vigil keep.
Say, what have ye found in the Peasant’s cot,
Since last ye parted from that sweet spot?”
“A change we have found there, and many a change!
Faces and footsteps and all things strange!
Some are the heads of the silvery hair,
And the young that were, have a brow of care,
And the place is hush’d where children play’d—
—Nought looks the same, save the nest we made!”
Sad is your tale of the beautiful earth,
Birds that o’ersweep it in power and mirth!
Yet, through the wastes of the trackless air,
Ye have a guide, and shall nee despair?
Ye over desert and deep have pass’d—
—So shall we reach our bright home at last?—F.H.

(Continued from the third Page.)

been secured and brought to trial—the result of which was not correctly ascertained when our correspondent closed his letter to be in time for the *Hastings*.

This melancholy catastrophe crowds many reflections on our mind.—The most prominent of them is the dire necessity which obliges our trading crafts to be manned by miscreants, who have neither the fear of future punishment, nor the dread of the immediate ignominious death which, if they are discovered, await them:—hunted on by blood-thirsty feelings and the immediate prospect of securing to themselves a few hundred Rupees of plunder, they commit deeds which Christian feelings would shudder at.—The day we hope is not far distant which will enable the “*Marine School Ship*” established at Calcutta to send forth her Pupils to mix with the Lascar Crews of our Merchant Vessels, to act as a safeguard against the villainy, treachery, and murders, which so frequently occur from the want of a proper and efficient control over these lawless wretches.

[Madras Gazette Oct. 28.]

EUROPE.

BRITISH PRESS.—MAY 20.

The following is a copy of a Petition to the House of Commons from the Planters and Proprietors of Estates in our West Indian Colonies:—
To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble Petition of the undersigned Planters and Proprietors of Estates in the British West India Colonies.

Sheweth.—That your petitioners are planters, proprietors, and owners of lands, slaves, hereditaments, and other property in the British West India Colonies; that they have become possessed of this property by inheritance or purchase, not only under the authority of various Acts of Parliament passed for that express purpose, but also in regard to the old British Colonies, by the original proclamations and conditions under which they were first settled; and as to the conquered Colonies, by virtue of the treaties under which they were subsequently annexed to the British Crown.

That Great Britain, for the purpose of rendering her Colonies valuable and productive, promoted the slave trade, and encouraged the Colonists to become the proprietors of slaves; and on more than one occasion, when attempts were made by the Colonial Assemblies to restrict and limit the importation of slaves, the Royal Assent was refused to Bills passed with that view by the local Legislatures; and the Ministers of the Crown declared that it would not be allowed to the Colonies to check or discourage in any degree a traffic so beneficial and necessary to the Mother Country.” That in consequence of this policy an increased cultivation took place, owing to the continued and increased importation of negro slaves, by whose labour alone the lands in the West Indies can be regularly cultivated; experience having shown that slaves when emancipated have never been found to become efficient labourers, and that the European constitution is incompetent to the task.

That the property of the masters in their slaves and their issue is as completely and as solemnly recognized by the law, as the title of any of their fellow-subjects to any other species of property whatever, and that it has uniformly been so treated by repeated legal decisions; for the several courts of law in this country have, by repeated decrees relating to inheritance, devise, settlement, conveyance, and securities of money, regarded and decided upon the property in negroes and their issue, according to the laws and customs of this kingdom and the Colonies; recognizing in the proprietors by such decrees a vested interest in the slaves, their future issue and increase.

That if Parliament, altering the policy of the country in this respect, choose to invade this property for a national object, it has a clear course of proceeding, as in all other cases where the property of individuals interferes with a public object, by offering them a fair compensation for the surrender of it. If that object is one which is required by a high moral duty, the same sense of duty commands that it should be accomplished by the fair purchase of that property, rather than by a forcible violation of it. If the right

to compensation be admitted in case of injury (which in justice cannot be denied), yet if it be maintained that the object can be accomplished without injury to the planters, the State has also a clear course, by offering a distinct pledge, and making provision for a contingent compensation. If no loss should be incurred, this will cost the State nothing; if the injury should be inflicted, it will be only the satisfaction of a claim previously admitted to be just: on the other hand, a refusal to abide the issue of the test will be considered by the planters as a practical proof that their fears are acknowledged to be well founded, however they may be asserted to be groundless.

That the petitioners feel themselves authorized to declare, that the opinions, which in 1823 were expressed to his Majesty’s Ministers by several possessors of Colonial property, resident in this country, and which have often, in discussion upon this subject, been referred to, were directed solely towards measures of amelioration, and did neither contemplate any compulsory emancipation of the slaves, nor any constraint upon the independence of the Colonial Legislature, in which sentiments your petitioners coincide; and while they admit that Great Britain, if she have the will, possesses the power to crush her Colonies, yet recognizing the care and protection with which the mother-country has heretofore fostered her West India possessions, your petitioners cannot believe that her ancient policy can now become so totally altered, as to visit them with destruction more particularly when they consider the increased political importance of the Colonies, and also the amount of wealth, which directly and indirectly, through them, centres in the mother country, and which would not exist if Great Britain drew her Colonial supplies from dependencies in the East, or from Colonies not her own. On the justice of the mother-country, and of your honourable House, your petitioners therefore confidently rely. They, however, beg to represent that the value of their property has already been greatly depreciated by the proceedings of your honourable House, and by the excitement which has been produced in the country, through the means of organized societies; in consequence of which so great a distrust has been created, in regard to the stability of their property, that it has become a most impossible to raise money by mortgage, or to effect a transfer of securities.

Your petitioners also complain that those Acts which were expected to have benefited the Colonies, by allowing a free intercourse, as it was called (more especially with America), have not realized those expectations, in consequence of the restrictions and duties with which those Acts are fettered. And further, that although many millions of taxes have been repealed, as affecting the inhabitants of Great Britain, no effectual relief of that kind has been extended to the Colonies; but, on the contrary, the war duty on the staple article of their manufacture is still kept up, even at a time when the bounty is about to be withdrawn.

Under these circumstances, your petitioners pray that your honourable House will not in any manner sanction or authorize any Acts which may further impair the value of their property, so repeatedly and so solemnly recognized, unless a fund shall be previously provided for a fair and ample compensation; and moreover that your honourable House will abstain from adopting towards the local Legislatures in the West India Colonies any measures which may be at variance with those rights of internal legislation, which they have ever claimed and exercised. And lastly, that your honourable House will adopt such other measures as to your wisdom may seem most expedient for restoring that credit, value, and prosperity, to which their property (obtained under the express sanction and encouragement of the Mother-Country) is justly entitled.

And your petitioners will ever pray.

ENGLISH GENTLEMAN.—JUNE 11.

LAST NIGHT’S GAZETTE.

War-Office, June 9, 1826.

Royal Regt. of Horse Guards; Capt. H. Hammer to be Major and Lieut. Colonel, v Drake, who retires; Lieut. R. J. Harrison to be Capt. v Hammer; Cornet L. Kenyon to be Lieut. v Harrison; Ensign Lord C. Wellesley, from the 75th Foot, to be Cornet, v Wellesley, prom. . . 7th Regt. of Drag. Guards; J. E. Thewles, gent. to be Cornet, v Buller, prom. . . 2d Regt. of Drags; Capt. J. Wemyss to be Major, v Mills, prom; Lieut. W. H. Oram to be Captain, v Wemyss; Cornet J. Carnegie to be Lieut. v Oram; F. C. Forde, gent. to be Cornet, v Carnegie . . . 3d Regt. of Light Drags; Lieut. A. Baker to be Captain, v Bragg, prom. . . 6th Regt. of Drags; Cornet F. Wollaston to be Lieut. v Heigham, prom; Hon. C. W. Jerminham to be Cornet, v Wollaston . . . 5th Regt. of Light Drags; Capt. John Earl of Wiltshire to be Major, v Crauford, prom. in 94th Foot; Lieut. J. Thomas Lord Brudenell to be Captain, v Lord Wiltshire; Cornet G. Shredon to be Lieut. v Lord Brudenell; F. Thomas, gent. to be Cornet, v Shredon . . . 10th Regt. of Light Drags; Capt. Lord J. Fitzroy, from h-p, to be Captain, v R. Burdett, who exch., receiving the difference; F. S. Wedderburn, gent. to be Cornet, v Lord Frankfort, prom. . . 16th ditto; —To be Cornets; Cornet W. Van, from the Cape Corps, v Brown, prom; H. F. Bonham, gent. v Penleaze, prom. . . 17th ditto; Gentleman Cadet W. C. Douglas, from the Royal Mil. College, to be Cornet, v Greville, prom; Staff Assist-Surg. H. G. Parken, M.D. to be Assist-Surg. v Holmes, prom. in 81st Foot . . . 1st or Grenadier Regt. of Foot Guards; Lieut. Col. C. P. Ellis, from h-p, to be Capt. and Lieut. Col., v W. C. Eustace, who exch. . . Coldstream Regt. of Foot Guards; Lieut. D. J. Raydon to be Lieut. and Capt. v Culyer, prom. —To be Ensigns, and Lieuts; G. Drummond, gent. v Raydon; Lord F. Paulet, Page of Honour to the King . . . 3d Regt. of ditto; Cornet J. G. Taubman, from 3d Drag. Guards, to be Ensign and Lieut. v Berners, prom. . . 1st Regt. of Foot; Capt. C. S. Hopkins to be Major, v Glover, prom; Lieut. W. Carter to be Captain, v Hopkins; Ensign H. W. Neville to be Lieut. v Cross, prom; W. B. Johnston, gent. to be Ensign v Wood, deceased Assist-Surg. W. Dillon, from 3d Royal Vet. Batt., to be Assist-Surg. . . 2d ditto, Hosp. Assist. T. Atkinson, M.D. to be Assist-Surg. v Campbell, prom. . . 4th ditto; Capt. J. England, from h-p, to be Capt. v W. H. Scott, who exchanges, receiving the difference; Lieut. J. Gordon, from 63d Foot, to be Lieut. v Barrow, who exch. . . 5th ditto; Capt. C. Musgrave, from h-p, to be Capt. v H. E. O’Dell, who exch.; Ensign H. D. Anvers, from h-p, 43d Foot, to be Ensign, v Simpson, app. to 95th Foot. . . 6th

ditto; Lieut. W. H. Hill, from h-p, 14th Foot, to be Lieut. v M’Queen, app. to the 44th Foot. . . 10th ditto; Lieut. W. Hemmings, from h-p 93d Foot, to be Lieut. v R. Uniacke, who exch.; Serj. Major E. Shanley, from 8th Foot, to be Adj. with the rank of Ensign, v Shinkwin, who resigns the Adjutancy only . . . 12th ditto; Ensign H. G. Forssteen, to be Lieut. v Adams, prom; F. W. P. Parker, gent. to be Ensign, v Wilson, prom. . . 13th ditto; Asst-Surg. J. Patterson, M.D. from 45th Foot, to be Surgeon, v H. Hamilton, who retires upon h-p . . . 14th ditto; J. May, gent. to be Ensign, v Layard, prom. . . 19th ditto; Capt. T. Raper to be Major v Dobbin, prom. . . 23d ditto; Capt. T. E. Bigge, from h-p, to be Capt. v Sir W. Croshie, bart. who exch. . . 25th ditto; C. J. R. Collinson, gent. to be Ensign, v Ilderton, prom. . . 26th ditto; Capt. G. Hogarth, from h-p, to be Capt. v H. Babington, who exch. . . 29th ditto; Lieut. Col. J. Simpson, from h-p, to be Lieut. Col. v Sir J. Buchan, who exch.; U. Boyd, gent. to be Ensign, v Hopwood, prom. . . 32d ditto; Major F. Gascogne, from h-p, to be Major v Hicks, prom. . . 33d ditto; Capt. J. Budden, from h-p, to be Capt. v G. Barrs, who exch. . . 34th ditto; —To be Captains; Lieut. W. W. Rooke, from 2d Life Guards, v Goldsmid, prom; Capt. R. Airey, from h-p, v W. W. Rooke, who exchanges. . . 37th ditto; Major Herbert Manners, from the 60th Foot, to be Major, v Dunbar, promoted . . . 38th ditto; Lieut. J. D. Forbes to be Capt. v Reynolds, who retires; Ensign J. F. Butler to be Lieut. v Forbes . . . 43d ditto; Capt. Hon. A. C. J. Browne, from h-p, to be Capt. v J. Cooke, who exch. . . 44th ditto; Lieut. S. M’Queen, from 6th foot, to be Lieut. v E. H. Clarke, who retires upon h-p, 14th Foot. . . 49th ditto; Capt. J. W. Dunn, from h-p, to be Capt. v H. Maxwell, who exch.; Lieut. C. C. Coole, from h-p, to be Lieut. v M. D. Sanders, who exch. 52d ditto; Capt. R. D. King, from 53d Foot, to be Capt. v S. St. George, who retires upon h-p. . . 53d ditto; Captain C. H. Murray, from h-p, to be Captain v King, appointed to the 52d Foot. . . 56th ditto; Ensign A. D. Cuddy to the Lieutenant v Keating, dec.; W. Wybrow, gent. to be Ensign, v Cuddy . . . 58th ditto; to be Ensigns; I. Blackburne, gent. v Bell, prom; H. Howard, gent. v Howard, prom. . . 60th ditto; Major A. F. Ellis, from h-p, to be Major, v Manners, appointed to 37th Foot. . . 61st ditto; W. H. Dick, gent. to be Ensign, v Cosby appointed to 3d Light Dragoons . . . 62d ditto; Lieut. R. Power to be Captain v Reed, prom; Ensign F. Kerr to be Lieutenant v Power; E. E. Stopford, gent. to be Ensign, v Kerr . . . 63d ditto; Lieut. W. W. Barrow, from 4th Foot, to be Lieut. v Gordon, who exch. . . 64th ditto, to be Majors; Brevet Lieut. Colonel Lord C. FitzRoy, from h-p 27th Foot, v M’Donald, prom; Capt. R. Johnson, v Lord C. FitzRoy, prom. To be Capt. v Lieut. W. Ravenscroft, v Johnson. To be Lieut. v Ensign R. B. Du Pre, v Ravenscroft. To be Ensign, M. J. Western, gent. v Du Pre. . . 66th ditto; J. Mellis, gent. to be Ensign, v Nelly, prom. . . 67th ditto; Brevet Col. N. Burslem, from h-p 14th Foot, to be Lieut. Col. v R. Gubbins, who exch. . . 68th ditto; Ensign A. M’Nabb, from 74th Foot, to be Lieut. v G. Carson, dec. . . 71st ditto; H. E. Austen, gent. to be Ensign, v Saumarez, prom . . . 73d ditto; Lieut. A. Tennant, from 35th Foot, to be Capt. v Drewe, prom; Lieut. T. Nowlen, from Ceylon Regt. to be Lieut. v W. Bouchier, who retires upon h-p 99th Foot. . . 74th ditto; Ensign E. C. Ansell, from 75th Foot, to be Ensign, v M’Nabb, prom. 68th Foot. . . 75th ditto; Ensign Lord C. Wellesley, from h-p 82d Foot, to be Ensign, v Ansell, appointed to 74th Foot. . . 77th ditto; Capt. E. Jones to be Major, v Bradshaw, prom; Lieut. W. Castle to be Capt. v Jones; Ensign W. J. Clerke to be Lieut. v Castle; B. C. Bordes, gent. to be Ensign, v Clerke. . . 82d ditto; Ensign J. Nagel to be Lieut. v Ashe, prom. in Cape Corps; H. Hyde, gent. to be Ensign, v Nagel. . . 84th ditto; Brevet Col. W. B. Neynove, from h-p 4th Foot, to be Lieut. Col. v J. Maitland, who exch.; Lieut. H. W. S. Stewart to be Capt. v Lord Dungarvon, who retires; Ensign A. Broom to be Lieut. v Stewart. . . 85th ditto; Ensign W. Cooke, to be Lieut. v Martin, prom. To be Ensigns, Ensign M. C. Seton, from 25th Foot, v Wynyard, prom; R. O. Ward, gent. v Cooke. . . 88th ditto; Major H. Hailes, from h-p, to be Major, v M’Gregor, prom. . . 91st ditto; Capt. R. Drewe, from 73d Foot, to be Major, v Hay, prom. . . 92d ditto; Lieut. J. Gordon, from h-p, to be Lieut. v M’Nabb, who exch. . . 93d ditto; Assist-Surg. E. Bush, from 14th Light Dragoons, to be Surgeon, v P. M’Lachlan, who retires upon h-p. . . 94th ditto, to be Lieut. Col., Major A. C. Crauford, from 8th Light Dragoons, v White, who retires; Lieut. Col. G. W. Paty, from h-p, v A. C. Crauford, who exch. . . 95th ditto; Ensign T. Simpson, from 5th Foot, to be Adj. and Ensign, v C. Main, who retires upon h-p 43d Foot. . . 96th ditto; Capt. A. Cairncross to be Major, v Mansel, prom; Lieut. C. B. Cumberland to be Capt. v Cairncross; Ensign P. F. de Meuron to be Lieut. v Cumberland; J. W. A. Wray, gent. to be Ensign, v de Meuron. . . 97th ditto; Ensign T. R. Travers to be Lieut. v Mairs, prom; C. Nagel, gent. to be Ensign, v Travers . . . 98th ditto; Assist-Surg. R. Lawder, M. D. from 2d Royal Vet. Batt. to be Assist-Surgeon, v A. Smith, app. to Staff. . . 99th ditto; Capt. G. T. Colomb, from h-p, to be Capt. v H. Rikards, who exch. . . Rifle Brigade, Capt. G. S. Bing, from h-p, to be Capt. v T. MacNamara, who exch. . . 1st West India Regt. Hospital-Assist. D. Browne to be Assist-Surg. v Brady, app. to 93d Foot. . . 2d ditto; Capt. W. L. Breckon, from h-p 1st Foot, to be Capt. v R. Hamilton, who exch. . . Ceylon Regt. Lieut. A. Montresor, from 78th Foot, to be Capt. v Aubrey; Lieut. R. G. Davidson, from h-p 99th Foot, to be Lieut. v Nowlan, app. to 13th Foot; J. Woodford, gent. to be Second Lieut. v Van Kempen, prom; Hospital-Assist. W. Lucas to be Assist-Surg. v Wilkies, app. to 2d Foot. . . Cape Corps (Infantry), Lieut. W. Ashe, from 82d Foot, to be Capt. v Bushe, prom. . . Royal African Colonial Corps, Major-Gen. Sir N. Campbell to be Col. v Major Gen. Turner, dec. To be Lieuts., En-

sign H. W. Wyse, v Graham, dec.; Ensign F. P. Nott, v Foss, dec. Ensign G. Landies, v Turner, dec. To be Ensigns, Volunteer M. G. Dennis, v Wyse; Volunteer A. M’Donnell, v Nott; Volunteer P. Stapleton, v Landies; W. F. Vernon, gent. v Robinson.

THE COURIER.—JUNE 12.

CAPTAIN FRANKLIN’S EXPEDITION.

The following is an extract from a Private letter:—

BEAR LAKE, SEPT. 5, 1825.

DEAR SIR,—I gladly embrace the opportunity of Capt. Franklin’s dispatch to make you acquainted, agreeably to your desire, with our progress in this country. I arrived here on the 10th of last month, and a few days afterwards proceeded with a boat and crew to coast the northern shores of this lake, for the purpose of ascertaining the most proper place for depositing a boat or canoe, to shorten the land journey of my small party next season, should it be so fortunate as to reach the Coppermine by sea from Mackenzie’s River. After an absence of nearly three weeks, I have cursorily surveyed the North-west, North, and North-east parts of the lake, which runs beyond the 67th degree of north latitude, and abounds in deep bays and arms, one of which, most happily for us, runs to longitude 119.04 W. in lat 66.53, within 70 miles of the nearest bend of the Coppermine River, and not above 85 miles from the junction of that stream with the Arctic Sea. Bear Lake is above 150 miles long, in a straight line; our present residence, which is at its South-Western extremity, being in latitude 65.10, and long. 123.33 W. so that a land journey round its bays, &c. would exceed 200 miles, which will be saved to the party by a canoe being deposited at its eastern extremity next summer.

I have not obtained any certain information respecting the sea to the westward of the Coppermine River, none of the hunters, who are accustomed to go several days’ march to the north of this lake, having either seen it, or the Esquimaux which inhabit its shores. From this circumstance I am rather inclined to suppose, that there is a Cape jutting out pretty far to the north, between the Mackenzie and Coppermine Rivers. If such a Cape exists, and is the land seen by Capt. Parry to the southward of Melville Island, or approaches near to it, it may, by producing accumulations of ice, interpose a serious obstacle to Parry’s ships, should they attempt the passage to the southward of Melville Island; but I do not apprehend that we shall be prevented from proceeding along the coast in a boat if we are still favoured by the weather, and the channels which usually occur between the more fixed ice and the shore. Indeed I am more than ever convinced that there is, in some seasons at least, if not every year, a passage for drift timber, as the poplar wood which we found on the former voyage must have come from Mackenzie’s River, there being no trees of that kind to the northward of Bear Lake, nor on the banks of any river that flows into the Arctic Sea to the eastward. The Indians that have visited the sea at the mouth of Mackenzie’s River report that there is open water in some years only to the eastward, although it is clear of ice every summer to the westward. Their intelligence, however, is to be taken with some allowance, as they do not always visit the coast at the most favourable time for our purpose, the beginning of August; and Capt. Franklin’s prosperous voyage of this season has given us the cheering intelligence of perfectly open water both ways on the 10th of August.

Captain Franklin’s observations make the distance between the rivers, in a direct line, only 450 miles; and I trust that by the close of next season my communications will be much more satisfactory than the conjectures with which I have at present troubled you.

The northern shores of Bear Lake are covered with spruce-fir trees of tolerable size, and frequented at all times by moose-deer and musk-oxen, and at this season of the year by large herds of rein-deer, now migrating from the sea coast. The banks of Mackenzie’s River, and the portions of the rocky mountains which we skirted, present the different rock formations in their usual order, and with many interesting features, from the transition-limestone down to the new-red sandstone covering the independent coal measures. Bear Lake River makes a beautiful section of the last-mentioned formation, and the rocks exposed abound in those petrifications of extinct species of trees, and impressions of ferns and other vegetables, so interesting to geologists; but I have not yet met with the coal itself belonging indisputably to that part of the series, although there are extensive beds of wood-coal and layers of bitumen in various parts of the river, and on Garry’s Island, at its mouth, from whence Capt. Franklin brought fine specimens. This wood-coal, I suspect, is a newer deposit, and occurs only accidentally upon the sandstone of the coal measures of this neighbourhood, never enclosed in it. It is, however, in sufficient abundance for the purposes of the arts, should they ever make their way to this remote country.

I remain, dear Sir, with much gratitude for the kind and friendly interest you have taken in my welfare, your very obedient servant,
JOHN RICHARDSON.

BOMBAY.—PRINTED FOR THE PROPRIETORS, BY J. F. DE JESUS, IN MILITARY SQUARE No. 3.

WHERE ADVERTISEMENTS, ESSAYS, POETICAL PIECES, ARTICLES OF INTELLIGENCE, &c. &c. WILL BE THANKFULLY RECEIVED.

Gentlemen about to change their stations are requested to give notice to the PRINTER who will pay due attention to their orders.

WEDNESDAY, 8TH NOVEMBER 1826.

(Continued from our last.)

This feeling is too natural to deserve much blame, and had its influence been confined within the walls of this Court, it might be considered too venial to merit animadversion. But when the Prosecutor and his Officers, in defiance of that humane maxim of Law that every man is to be considered innocent until he is found guilty,

which has hitherto been so invariably observed in the Army, prejudice the case; and not only previous to the assembly of this Court, but during its actual sitting, endeavor by every illiberal means in their power to impress the public with an opinion that I am guilty, such conduct is certainly deserving of the severest reprehension. Every Member of this Court, however, must be well aware that such has been actually the case; and that the Officers of the Queen's Royals, have made a point since the 13th May last, (to use a familiar phrase) of cutting every person who refused deference to the opinion of a body of Officers, as they termed it, & persisted in contempt of the judgment of this new invented tribunal in maintaining with me their usual intimacy and familiarity. On a Court however composed as this is I need scarcely call, to consider the injurious consequences which must necessarily ensue were the reputation, the honor, and the future prospects of an unfortunate individual, who might have unintentionally incurred the dislike of his Commanding Officer or of any other Officers in his Regiment, to be left entirely at the mercy of the opinion of a body of Officers. This very case is a most striking example of the unsuitness of a body of Officers to form a correct judgment; and had those of the Queen's Royals been a little more distasteful of their own abilities, or of the purity of the motives of those who may have influenced them, they would have saved themselves from such an exposure as never before I believe took place at any Court Martial.

But his most illiberal and reprehensible mode of acting, has been particularly remarkable in the conduct of the Officers of the Queen's Royals to those Gentlemen who have so kindly afforded me their assistance during this trial or have appeared in Court as my friends. With some of these Gentlemen, the Officers of the Queen's Royals had been on terms of the greatest intimacy; but that very act, the generous support of an injured, and oppressed individual, which should have rendered their friendship the more valuable to every person possessing the manly and liberal feelings of an Officer and a Gentleman, immediately drew down upon them the high indignation, and displeasure of those self-constituted judges. So meritorious, also, does this conduct appear to the Prosecutor, that in order to crown it with his no doubt flattering approbation, he has taken the unprecedented liberty of indulging in his reply in the most illiberal and objectionable reflections on the friends of the Prisoner. "The Court, says he, are aware that a Corps élite, of Officers, foreigners to the Regiment, have espoused the Prisoner's cause, without any apparent motive, other than that of displaying tried & acknowledged talent." If the Prosecutor can indeed discover no other motive I sincerely pity him. But if he has never felt, he may perhaps have heard of the blood boiling on witnessing or even hearing of an act of oppression and injustice. He has never had the happiness of associating with such men; he may perhaps have heard and smiled in derision and contempt on hearing it, that there actually are men who find a generous pleasure in assisting a persecuted individual, and in endeavouring at whatever sacrifice of time, or exertion, or of unworthy friendships, to deliver him from the malignant attacks of a powerful combination, against which notwithstanding his innocence, his unassisted efforts might be altogether inadequate to preserve his reputation, his honor, and future prospects unharmed and uninjured.

Of the total groundlessness of the following remarks in the reply, the Court must be fully aware, and it is only surprising that the Prosecutor should have ventured to make them in its presence. "Amongst them (the Prisoner's Friends) are would be Military lawyers, who have thrown difficulties in the way of the Prosecution, and hampered the Proceedings with law surpassing any thing heretofore known in a Court of honor, and perfectly inconsistent with the nature of Courts Martial. These persons must be unacquainted with the customs of his Majesty's service on similar occasions, or they have wilfully harassed a public Prosecutor, and have endeavored to attach improper conduct and acrimony to a Commanding Officer." Had however, the Prosecutor been in the slightest degree acquainted with the practices of Courts Martial, to which authority he is so fond of appealing, he would have known that the directly reflecting on the Prisoner's friends is irregular and unprecedented. I alone am responsible for the manner in which my case has been conducted, and as the Prosecutor has occupied so much of the reply in evincing that I am arrived at years of discretion and do not require a preceptor, there can consequently according to his own shewing be no necessity for attempting to relieve me from the responsibility of my own acts. But so far from there being any grounds for this complaint, the Court will no doubt recollect that I immediately withdrew, on being so advised by the Judge Advocate, an objection which I made on arraignment to the wording of the 1st Charge, and that during the whole of this unusually long trial, I have made but two legal objections. In what manner, however, the Prisoner can hamper the Prosecutor, I am perfectly at a loss to discover. All that he can do is to object to evidence, and these Proceedings sufficiently shew that I have made but one such objection; and that the Prosecutor has been allowed to adduce whatever evidence he thought proper, however irrelevant to the charge. But this passage of the reply is merely one instance of the misstatements, misrepresentations, and misquotations of evidence with which it abounds. Having however, Gentlemen intruded so long on your attention I should abuse your indulgent patience were I to enter into an exposure of all

these inaccuracies, nor would it be necessary as they are too striking and too numerous to have escaped your notice.

But I must beg leave to attract your attention to the following words in the very first paragraph of the reply, "just as little do I feel inclined to adopt the highly reprehensible example, the Prisoner has set me, by the opprobrious epithets, vituperative remarks, & virulent invectives, which he has so unsparingly dealt out to a whole body of Officers, at whose head it is my pride to be placed." That this accusation is perfectly unfounded, I have no doubt the Court will do me the justice to admit. But to define the precise extent to which a Prisoner's defence ought to be limited must be difficult. Yet if it touches on no topic, but what is essential to his justification, and if the style be that of an Officer and a Gentleman the defence will, I presume, be considered as entirely unexceptionable; and in composing both my former and my present address, the Court will, I trust, allow that I have strictly adhered to these principles. But the Prosecutor is very differently situated for he is bound to confine himself to the Charges, and he is not at liberty to aggravate the specific offences alleged, nor to attempt raising a presumption of the Prisoner's general bad character. Even the style is not at his option, for he ought not to forget that he is addressing men of education, accustomed to genteel society, and possessing those liberal and honorable sentiments which ought to distinguish an Officer and a Gentleman. The Prosecutor, however, appears to have been entirely ignorant that such restrictions were imposed on him. Hence in his reply he endeavoured to raise a presumption of my general bad character, by statements which he himself well knew were perfectly unfounded, & the attempts at reasoning and application of evidence are so dull and unmeaning that they deserve not the attention of men of education; the low and vulgar language may become a Barrack-room, but is altogether unadapted to genteel society, and the remarks must create disgust in the minds of every person possessing liberal and honorable sentiments. If, however, the prosecutor thought that there was either elegance or dignity in such allusions as "the Red Lion," "Academy of drinking," and other similar, he ought not at least, in his eagerness to decorate his beautiful composition with such brilliant ornaments, have evinced so total a disregard to truth. For it is impossible for me to use any other expression in transcribing such a passage as the following. "What then shall we say to an Officer who actually opens a school (of drunkenness) in which the young and unpractised Soldier may take daily lessons free of expence; in this most destructive vice. If afflicting indignation did not check my approach to mirth, I might be inclined to smile at some of the arguments with which the Prisoner attempts to justify the conduct arraigned in this Charge. So then because the Prisoner wishes to become popular among the men of the Queen's Royals, and to earn the character of a liberal, kind, hospitable, friendly, good sort of a Gentleman, my Non-commissioned Officers must be debauched, and the discipline of the Regiment, put to the hazard"—I dare not trust myself with commenting on such a passage as this, and I shall, therefore, merely leave it to the Court to decide whether it applies in the slightest degree to the 5th Charge, or whether it is at all borne out by any thing given in evidence on these Proceedings.

In another part of this veracious address the Prosecutor ventures to assert that "the Prisoner knows well that very few of the Officers have lived with him in habits of intimacy or confidential communication. In fact he has been cut by most of them." The first part of this remark is correct, because I have not formed a strict intimacy with any of the Officers of the Regiment, but the latter part is completely contradicted by the testimony recorded on these Proceedings. For of all the Officers who have been examined, three only, Captain Lawson, Lieut. and Adjutant Littlejohn, and Ensign Dickson have deposed that an abatement of intimacy has ever taken place between us; and with regard to the latter Officer, I could have easily proved that he never shewed in his conduct to me either coolness or distance and it has even appeared in evidence that he came familiarly to my house one night between the 23d and 30th April last. But had this alleged cutting even been as much the case as I have proved it to have been contrary; it is singular that the Prosecutor could not perceive that as all these Officers have deposed that they never witnessed any thing in my conduct derogatory to the character of an Officer and a Gentleman, if any coolness or cessation of intimacy had taken place between them and me it must have, obviously proceeded from such causes—as dissimilarity of habits—distaste for the same amusements and the like, and not as the Prosecutor wishes it no doubt to be understood by this part of his reply, from any suspicion of my being addicted to unnatural practices. For all the Officers, who have deposed to this point, with a single exception, (Capt. Graham) have declared under the solemn sanction of an oath that they never believed the criminal part of the reports which were at one time in circulation respecting me and Cooke.

It is utterly untrue that any of the Gentlemen who have assisted me have done so with a view to display their abilities as the Prosecutor has insinuated, the powerful combination against me, on what, in their judgements appeared trivial grounds, and conviction, as far as a practicable investigation of facts could establish it, of my innocence, were the reasons that impelled them so humanely to afford their assistance throughout this investigation to a depressed and unfriended individual. This assistance, however, has not been afforded me, except on conditions, that were I guilty of the crimes to the extent with which I am charged, would have reduced me to a worse con-

dition than before the avowed discontinuance of it by those Gentlemen. On the instant any thing disgraceful to my character became apparent either to them or to the world,—I was obliged to give them a minute explanation of all the matters contained in these charges, with a distinct intimation that instant abandonment of my cause would be the result of any material or wilful deviation from what should appear in evidence against me. I was put to that more severe test of my innocence, the being called upon to grant permission to these Gentlemen to push inquiring into the matters charged to the witness, wherever the Prosecutor either by accident or design should fail in the points which it was his duty to establish. That such a method has been pursued, the Court is aware,—and the Judge Advocate General knows that their zeal on this point has produced a variety of questions with which he thought it unnecessary and unadvisable to burden these already too unwieldy proceedings. That that these Gentlemen now stand around me is a convincing proof that I have not deceived them.

One Gentleman to whom allusion has been made, so unwarrantably in the reply, has now entered the 24th Year of unintermitted public service in India, so that his character and conduct—be it good or be it bad, it is not within the source of the vague insinuations of the Prosecutor, either to raise, or to depreciate, in the eyes of those with whom he has passed his life, and whose opinion consequently he has principally valued and I still bespared the regret of reflecting, that his philanthropy towards me, guided as it has been by the present dictates of his own conscience, has, in the slightest degree, been prejudicial to himself.

I have now only to entreat the Court to apply any remarks which I have made respecting the wording or the frivolity of the charges to the Prosecutor alone. For I shall ever retain the most lively & unceasing remembrance of gratitude to his Excellency the Commander in Chief for submitting them to public inquiry, and to this Court for the unwearied patience and impartial justice with which they have been investigated. For as the Prosecutor has been allowed every latitude in adducing his evidence that he required, should he fail in substantiating these Charges, as I may perhaps confidently anticipate that he will, it will be evident beyond the power of cavil or excuse to controvert that this failure has proceeded solely from the groundlessness of the Charges and the futility of the evidence adduced in their support. But under the anxious suspense and agony of mind, which I suffered in consequence of the vote of the Officers of my Regiment, expelling me from their society and under the malignant efforts that were unceasingly employed to impress the public with an opinion of my guilt, I must have sunk an innocent victim unmolested before the altar of calumny had it not been for the consoling kindness and inspiring advice of my friends, and particularly of those who have so generously performed the laborious, disagreeable, and ungracious task of assisting me throughout this protracted trial. To them words are inadequate to express my gratitude, but their own manly, liberal, and honorable sentiments, as they may prevent their attaching any consequence to the important favor which they have conferred on me, will perhaps be more gratified by my silence than by any expressions of grateful acknowledgement which I could employ.

For the unexpected extent of these remarks, Gentlemen, no apology perhaps is necessary, for, I may hope, that you will view with indulgence the anxious solicitude to prove that my conduct has never deviated in the slightest degree from those strict principles of propriety and honor that are becoming an Officer and a Gentleman, which has led me insensibly into a greater length than I at first contemplated. The Charges have been now most fully discussed, and may I not be permitted to observe remain not only unsubstantiated, but refuted as far as the nature of the case would admit. Under these circumstances can I be accused of improper presumption in anticipating that your final decision will fully evince to the Army that redress is always open to an Officer who may find himself aggrieved, and that neither calumny, oppression nor injustice though disguised under whatever appearances can undergo the searching, but impartial investigation of a Court Martial without its being immediately detected & exposed in its naked deformity. From it also the Army will perhaps learn that a Commanding Officer cannot with impunity attempt to compel by nefarious means the youngest subaltern under his command to sacrifice at his caprice his reputation, his honor, and his future prospects. But the present Prosecutor seems to expect no such lesson, or at least he has unequivocally avowed in his reply, that the decision of this Court will make no alteration in the line of conduct which he has resolved to adopt towards me as soon as this decision is promulgated. For he has actually ventured to make use of the following words in this Court, “He has chosen to stand his ground and rejecting advice I am strongly inclined to think whatever may be the event of this Court Martial, that he will find it would have been better to have followed my advice after all.” This singular spirit of dictation,—this imagining that what he conceives to be right ought to be right and ought therefore to be done is a well known characteristic of the Prosecutor. Nor has he been always able to refrain from it in this Court, as his unprecedented attempt last Monday, to prevent the Court from granting me the indulgence of a Rejoinder most fully evinces. But I can have no fear that the indelicate and acrid

monious violence with which this prosecution has been conducted, will in the slightest degree injure my cause; and I, therefore, turn with pleasure from this ungrateful subject to place my innocence, my reputation, and my honor under the just and impartial safeguard of this Court Martial. Nor can I conceal that in doing so I entertain the best founded hopes that your finding will declare that this innocence has been fully proved, and that my reputation remains entirely unblemished and my honor entirely unsullied by the malignant and groundless calumnies which have been the principal subject of the present investigation.

The Proceeding on the original charges are here closed.

The Court now proceeds to investigate the additional charge preferred against the Prisoner.

ADDITIONAL CHARGE.

Additional charge preferred by order of Major General Sir Lionel Smith, K. C. B. Commanding the Poonah Division of the Army, against Lieut. George McKenzie of His Majesty's second (or Queen's Royal) Regiment of Foot viz.

For highly un-officerlike and insubordinate conduct subversive of Military discipline, in having addressed to his immediate Commanding Officer Lieut. Colonel J. Williams, two extremely disrespectful Letters under the dates of the 27th May and 1st June 1826, and in having resorted, as intimated by him in the last mentioned of those Letters, to other means for obtaining redress for certain alleged wrongs than those which are pointed out in the 12th Section of the Articles of War; although he well knew that a memorial or representation on the subjects, dated 15th May 1826, which he had himself transmitted, was then under reference to superior authority, and that no decision had taken place with respect to granting or refusing the redress which he had therein requested.

By Order of the Major General Commanding Poonah Division of the Army.

J. KEITH, A. A. Genl. P. D. A. BRIGADE MAJOR'S OFFICE.

Bombay 18th June 1826.

By Order of the Commander in Chief.

J. MOORE, Major of Brigade.

K. T.

Q. Lieut. McKenzie, are you guilty of the charge just read or not guilty?

A. Not guilty.

The Judge Advocate now addresses the Court as follows.

MR. PRESIDENT AND GENTLEMEN.

I beg leave to inform the Court, that I have received instructions to conduct the Prosecution on the additional charge now before it. The offence alleged in the first part of this charge is not of unfrequent occurrence in the Army as inadvertence or an agitated state of feelings, may betray an Officer into addressing his Commanding Officer, without sufficient respect; and hence the consequent culpability must principally depend on the circumstances of each particular case. It is on this account that it becomes necessary to request the Court's most serious attention to the allegation contained in the latter part of the charge. For I have made every inquiry, and taxed my memory to the utmost, and yet I cannot discover a single instance in which an Officer has disdained the redress which is always open to him from the Military authority, and taken steps for obtaining in a Court of law a compensation for the injury by which, in his opinion, his character had been affected. But the means to which Lieut. McKenzie has resorted, as alluded to in the Charge, for obtaining redress for certain alleged wrongs are thus stated in his letter of the 1st June.

Poonah 1st June 1826.

Sir,

In consequence of your declining to give up the names of the individuals, from whom you have heard the extraordinary reports which you informed me were in circulation against me, I find it incumbent upon me to institute legal proceedings against you, and I have accordingly given instructions to my Attorney to commence such proceedings forthwith.

To

LIEUT. COL. WILLIAMS.
Queen's Royals.

I am Sir,
Your obedient servant,
G. MCKENZIE.

Lieut. McKenzie will no doubt rest his vindication on the right which every freeborn Englishman has to appeal to the laws of his country. But Lieut. McKenzie appears in this Court not as a Citizen but as an Officer, not as a free and independent agent, but as one who has the honor to bear his Majesty's commission, and who is bound to perform the duties required in consequence, and is liable to suffer the penalties to which he may subject himself by a disregard of these duties. Nor do I stand here to discuss the legal arguments with which Lieut. McKenzie may have been furnished by his Attorney and Counsel in Bombay for I maintain, without the fear of contradiction, that an Officer cannot make an appeal to the laws of his country against an act done by his Commanding Officer in his Official capacity without at the same time committing a Military offence; and for this Military offence he is liable to be tried and punished by a Court Martial. In such a case, therefore, the abstract right of appeal, as it necessarily involves an infraction of Military law, needs not to be discussed. That such an appeal was open to George McKenzie I fully admit, but, from the moment Lieut. McKenzie received the honor of a commission from his Majesty, he voluntarily relinquished

all right to such an appeal. Tylor very justly observes that a sacrifice of a greater portion of the personal liberty of individuals is necessary in the profession of a Soldier, than in any other of the employments of civil life: for without that sacrifice the Army could not for a moment be kept together. Necessity, therefore, requires that certain restraints should be imposed on all the ranks of men, who compose the Military force of the state, which are foreign to the condition of other Citizens. But to complain of these peculiarities of the Military profession either as being substantial grievances, or as restraints which derogate in any sense from the dignity of our nature, is a mark of the most extreme folly and perversion of the understanding. Either the Army must cease to exist, or it must be linked together in all its parts by the most absolute obedience and submission of the several ranks to their superior Officers.

In support of this opinion I need only observe, that in consequence of his Majesty being empowered by the 35th Section of the Mutiny Act to form, make, and establish Articles of War; these articles have the same force and authority as so many Sections of a statute duly enacted by the three branches of the legislature; and to refer to the 2d Article 24th Section of these Articles of War. By this article every crime not capital, and every act which Officers and Soldiers may be guilty of, to the prejudice of good order & Military discipline are to be tried and punished by Courts Martial. But is it possible to conceive an act of a nature more prejudicial to Military discipline than the one alleged in the Charge now before this Court. An express section of the Article of War points out the manner in which wrongs in the Army shall be redressed; and if any ambiguity exists in it, its intent and purport are fully explained by the custom of war in the like cases. Yet Lieut. McKenzie has acted in direct opposition to the first Articles of this Section and to the established usage of the Army. Far can he produce a single instance during the 140 years that the Mutiny Act has been in force, of an Officer having instituted a civil action against his Colonel for an act purely Military? Can he shew that it was ever considered the custom of the Army for an Officer to appeal to a Court of Law for the vindication of his character. If he cannot, it must necessarily follow that both according to the Articles of War and the custom of War in the like cases Lieut. McKenzie's conduct, as alleged in the Charge, has been highly un-officerlike, insubordinate, and subversive of Military discipline.

Nor should the Court by their final decision declare to the Army that this is their opinion, would they deprive an Officer of any advantage whatever. For nothing can be more preposterous than for a Military man to appeal to a Court of Law for the vindication of his character. In what page of those numerous volumes under which their shelves groan, will the Counsel or Judge find such an offence as conduct unbecoming an Officer & a Gentleman, however delicately sensible to honor legal Gentlemen may be in their private character, in their public capacities they must adhere to precedent and to law, nor could a Court of Justice deviate from its established mode of proceeding in order to give an individual an opportunity of vindicating his reputation, by proving the falsity of reports circulated to his prejudice. If for instance Lieut. Colonel Williams should not condescend to defend the action mentioned in Lieut. McKenzie's letter, or if he should merely plead in justification his having acted in his official capacity, and according to the custom of war, the merits of the case could not be gone into; and consequently, though Lieut. McKenzie might recover damages, the truth or falsity of the reports, of which he complains, would remain equally undetermined. The decision, therefore of a Court of Law, in cases affecting an Officer's reputation, can never be satisfactory. For it is seldom or never that all the circumstances which seem to Military men indispensable for the proper vindication of character are investigated, and even supposing the verdict to rest on the fullest inquiry into the merits of the case in what manner is it and the particulars of the trial to become known to the Army?

It is consequently in a Court of honor only that an Officer can obtain a proper investigation into all circumstances which may affect his honor; and it is by the decision of a Court of honor alone, should his reputation have been impeached, that an Officer can be restored to fair fame and unsullied honor had not, therefore, the long established usage of the Army determined that such was the only proper and satisfactory mode for an Officer to disprove all reports that might be circulated to his prejudice, common sense ought to have pointed out to Lieut. McKenzie, that if he wished to be reinstated in the good opinion of his brother Officers, and to prove to the world, that the reports in circulation injurious to his character were totally unfounded, he ought not to have attempted to carry the cause out of the only competent Court.

It must, also, be particularly remarked that it has been fully proved in the course of the Proceedings on the original Charge that Lieut. Colonel Williams had no further concern with these reports than as Commanding Officer of Lieut. McKenzie's Regiment, as Commanding Officer these reports were communicated to him by several Officers of the Regiment, as Commanding Officer he called upon Lieut. McKenzie for an explanation of the occurrence stated in the 3d original Charge, as Commanding Officer, he had two personal interviews with Lieut. McKenzie, as Commanding Officer he assembled a meeting of the Officers at Lieut. McKenzie's request and as Commanding Officer he explained at this meeting the subject on which the Officers were met to decide, during all the transactions, consequently, which took place from the 10th to the 11th May, Lieut. Colonel Williams appears solely in the character of Commanding Officer, and, if Lieut. McKenzie considered himself aggrieved by the conduct of Lieut. Colonel Williams, or by the ultimate decision of his brother Officers, redress was open to him, and the mode of obtaining it was precisely the one which Lieut. McKenzie

at first adopted. For he addressed a letter on the 15th May, to the Major General Commanding the Division, requesting a public investigation of the whole affair. However anxious, therefore, Lieut. McKenzie might have been for the speedy vindication of his character no excuse presents itself for his not patiently submitting to a delay of less than twelve days before he determined on resorting to other means for obtaining redress. But the Court will observe the most marked difference in Lieut. McKenzie's letter of the 15th and 27th May. In the one he thus addresses the Major General Commanding the division "I am compelled to implore that you will be pleased to institute a public and solemn inquiry into the matters herein set forth," and in the other he expresses himself in this manner to his immediate Commanding Officer. "I have to request that you will give me up the names of the individual or individuals, from whom you heard these reports and that you will state distinctly what these reports were, to the end that I may bring them to an account, and make them answer for the same in a Court of Law, or otherwise." Thus deviating from that implicit submission which every Officer owes to superior authority and taking upon himself to prescribe the particular manner in which the truth or falsity of the reports in circulation to his prejudice ought to be ascertained.

The Court will have, no doubt, remarked that in the preceding observations, I have assumed that Lieut. McKenzie has acted in the manner alleged in the latter part of this Charge, before any proof has been adduced to substantiate this allegation. But I have considered myself at liberty to argue on this assumption, because the fact rests on Lieut. McKenzie's own voluntary confession contained in his letter of the 1st June; and, as this is such evidence as cannot be controverted, it is unnecessary to speak in hypothetical terms when the Prisoner himself confesses the fact. Lieut. McKenzie's conduct, at the same time, is particularly culpable, because he has erred knowingly, and not through inadvertence or ignorance. For he has clearly evinced that he was well aware of the mode of proceeding which an Officer ought to adopt, under similar circumstances to those in which he was placed, by his having addressed a letter, requesting a public inquiry into his alleged grievances, to the Major General Commanding the division. In resorting, therefore, to other means for obtaining redress before he received, as I shall prove, any answer to this letter, Lieut. McKenzie has unequivocally declared that he owed no obedience to the Articles of War and the established usages of the Army; and that he considered it quite in vain to expect justice from the Military authority. I wish not to aggravate the offence of which Lieut. McKenzie is accused, but it is my duty to divest it of all extraneous circumstances, and to state its real nature to the Court in the plainest and simplest terms. Considering it, therefore merely in a Military point of view, as affecting the subordination and discipline of the Army, there can, I think, be but one opinion with respect to its injurious tendency and its decided culpability.

But Lieut. McKenzie may perhaps have acted without sufficient reflection, or he may possibly have some other plea to offer in extenuation of his conduct. The Court, however, will recollect that it is not to the individual, who now stands a prisoner before them, that their attention ought to be restricted. It is the nature of the offence charged which it is most incumbent on them to consider, and if admitted or proved, it is then their bounden duty to award such a sentence as will most effectually maintain the discipline of the Army, and prevent others from committing the same offence. In so deciding there may be an appearance of rigour, but in reality it is the wisest humanity, for nothing is so likely to lead Officers into the commission of reprehensible acts than the too lenient and inadequate sentences of Courts Martial. This remark is particularly called for in the present case, because the offence charged, to the best of my knowledge, has never before occurred. But it must be superfluous for me to detain a Court, constituted as this is, with any remarks on the prejudice which Military discipline would inevitably receive, were Officers led from the decision of this Court to entertain an opinion, that they might disregard with impunity not only the established usage of the Army, but an express Article of War, and that they might unquestioned, whenever they fancied themselves injured by their Commanding Officers, commence Civil actions against them for acts purely Military done bona fide in their official capacities.

It is on this simple point, Gentlemen, that you have now to decide, and I have no doubt, but that, however anxious you may be to temper justice with mercy, you will consider your paramount duty to maintain by your final decision that respect which is at all times due to a Commanding Officer, & that discipline by which the British Army has ever been so eminently distinguished.

The Judge Advocate proceeds to adduce the following evidences in support of the prosecution. Lieutenant Colonel Williams again examined on his former path.

Examined by the Judge Advocate.

Q. Did you receive these letters from Lieutenant McKenzie, and are they in his hand writing.

A. I received these letters from Lieutenant McKenzie, and they are his hand writing.

Q. Is that a true Copy of a letter written by the Adjutant of your Regiment, by your desire to Lieutenant McKenzie.

A. Yes.

Q. Is that a true Copy of a letter transmitted to you by Lieutenant McKenzie in order to be forwarded to Major General Sir Lionel Smith.

A. Yes.

Q. When did you receive an answer on the subject of Lieutenant McKenzie's letter of the 15th May, from Major General Sir Lionel Smith.

A. On the morning of the 1st June.

The letters thus authenticated are read and recorded.

Camp near Poonah, May 27th.

Sir,

To enable me to vindicate my character from the unjust and malicious reports which you told me personally, through Dr. Campbell, and in presence of the Officers of the Regiment, were in circulation against me, I have to request that you will give me up the names of the individual or individuals from whom you heard these reports, and that you will state distinctly what these reports were to the end, that I may bring them to an account, and make them answer for the same in a Court of Law, or otherwise, and further, that you will when called upon (in the event of such persons, or persons denying having made such statements to you) manfully and boldly state to them, that they had made such statements, and that you will undertake to prove them, should I think proper to proceed against them.

I am Sir,

Your obedient servant,
GEORGE MCKENZIE.

To
Lieut. Col. Williams.

P. S.

An answer as soon as convenient is requested.
Poonah, June 1st 1826.

Sir,

In consequence of your declining to give up the names of the individuals, from whom you heard the extraordinary reports which you informed me, were in circulation against me, I find it incumbent upon me to institute legal proceedings against you, and I have accordingly given instructions to my Attorney to commence such proceedings forthwith.

Your

To
Lieut. Col. Williams,
Queen's Royals.

Camp near Poonah.

Sir,

I trust, I do not assume too much when I venture to entreat your attention to a recital of some proceedings which have recently taken place in the 11th Regiment, and which deeply honor, happiness, and every thing dear to a man, or a Member of Society, on the 31st instant, while sleeping in my room at about 11 o'clock, I was alarmed, indicating the presence of strangers, rising up and looking in the direction proceeded, I observed an European attempting to conceal himself within the empty bedstead, which stood in a distant room. In the same room I saw another individual who was pressed against the wall apparently, as I conjectured, observation. I instantly but quietly way to the nearest guard and having a Sergeant and some men, I returned to my Bungalow and succeeded in apprehending the Burglars who proved to be Mr. Private in H. M. 20th Regiment; but, I am sorry to say, effected his escape through one of the windows, and I was unable to ascertain who he was. On the 7th instant, a Prisoner, whom we had secured, was his own Corps, by a Regimental Court Martial for being out of quarters after Tattoo and for being found concealed within the folds of the bed, in an apartment in my Bungalow, found guilty upon the evidence of the Sergeant and Corporal, and sentenced to four days solitary confinement. My personal attendance on the Prosecution, although Colonel Gerald, had requested me to give the benefit of my evidence, did not appear to be absolutely necessary, not only because I was convinced that the testimony of the Sergeant and Corporal, who apprehended the Prisoner, would contain within itself all that was necessary, and essential, to ensure his condemnation upon the charges preferred, but because I had been for some days previous, in sick quarters, and an increase of indisposition, on the day of trial in a great degree, disqualified me, for undertaking the duties of a Prosecutor. The delicate terms too, upon which I was then so unfortunate as to stand with my Commanding Officer, filled me with some doubts respecting the view, which might be taken of my appearance in public, while on the sick report and made my engaging in any official transaction, that required me to be absent, from my own abode more than ordinarily open, to observation, and remark, which it behoved me as I valued my future tranquility in the Corps, to avoid. There was another consideration, which operated in directing me to abstain from appearing at that trial. I was apprehensive that my evidence would have the effect of producing an aggravated measure of punishment, and this a feeling of compassion for the culprit, after resentment had subsided, upon ascertaining that none of my property was missing & the remarkably good character, the Adjutant of his Regiment described him to maintain up to that period, rendered undesirable. This unfortunate omission, has been ascribed to motives at which human nature shudders. On the morning of the 11th Inst. Lieut. Colonel Williams sent for me to the quarters of Captain Head, where after taking the precaution of closing the door to prevent being overheard, he gave me to understand that my having neglected to appear on the prosecution of Private McHugh had given birth to some "most extraordinary reports, throughout the cantonments, and these reports he insinuated, went directly to impeach my character upon a subject, which it is scarcely permitted to name, much more conversation passed which either had no immediate relation to this point or which if it had, I was too much overwhelmed, and

confounded, by Lieut. Colonel Williams injurious insinuation, I very accurately remember, but it all turned to support an earnest recommendation on his part, that I should leave the Regiment by exchange or otherwise, as the only mode of obviating the public agitation of this most painful and distressing question. I need not add, that with this advice every principle of honor, pride, and even common prudence forbade compliance. The next day in consequence of a letter from me, requesting a consultation of the Officers, I had another interview with Lieut. Colonel Williams when avoiding any decided allusion to the detestable subject of our former conference, he again warmly pressed my departure from the Regiment; but on grounds less dishonorable than scarcely less inaccurate namely that from frequent indispositions and applications for leave of absence my services were lost to the Regiment (or words to the same purpose) to confute these allegations would have been a work of no difficulty, under this conviction and feeling myself imperatively called upon not only to court, but to provoke the fullest investigation into every part of my conduct. I addressed a second letter to Colonel Williams, to request that he would furnish me with the precise and exact terms, of the reports which had reached him, (for hitherto nothing distinct, or specific, had been communicated to me) as well as the names of my accusers, and further that he would publicly ask every Officer of the Regiment, whether he had ever personally witnessed, or knew any thing criminal, dishonorable, or unlike a Gentleman. Subsequently to the dispatch of this letter, but I believe before it reached Colonel Williams, Assistant Surgeon Campbell informed me by desire of that Officer, that the reports in circulation to my prejudice were, that one of the men discovered in my Bungalow had visited me by appointment, for the most abominable of purposes, that the other having intelligence of the inquiry about to take place had come there to prevent its perpetration, and that by these circumstances my disinclination to appear upon the prosecution of private McHugh, was sufficiently explained. Dr. Campbell added that he was instructed to tell me that if I would consent to retire on half pay, or relinquish the service, every facility would be afforded me, by Colonel Williams, to my immediate departure, but if this proposal was rejected, a meeting of the Officers would be convened at half past 5 o'clock, to consider what further proceedings it would be proper to adopt—the Officers were accordingly assembled at the time appointed, and Col. Williams opened the proceedings by observing that they had all been made acquainted with the highly injurious reports in circulation against my character respecting the Soldier of the 20th Regiment, who was apprehended within the curtains of my bed, and the ignominious motives by which it was supposed, I must have been actuated, in not prosecuting, or appearing at the prosecution; that in his opinion these reports acquired considerable claim to credence from the fact of a Private Soldier having some time since at Colaba (when I was at Poonah) on his death bed, bequeathed me all his effects, and also from the circumstance of my having applied to have the same man, as a servant after he had been reduced to the ranks. He then addressed each Officer separately and submitted whether all the above reasons combined did not afford matter sufficient to justify my expulsion from the society of the Regiment. A large Majority declared they had heard reports in which my honor was deeply implicated; and that until I had vindicated my character from these aspersions, I ought not to be considered a fit associate. I then requested Col. Williams would distinctly specify what those reports were, and who were my accusers, and also that he would call on every Officer, who had professed to have heard any thing to my prejudice, to do the same, with any one particular of this certainly not unreasonable request. I deeply lament that Col. Williams did not deem it expedient to comply, and the consultation was dissolved. You will be pleased to remark that I do not undertake to set forth actually the precise words of Colonel Williams, or those of any other persons contained in these proceedings, but merely what I conceive to have been their spirit, and import, I have now, with as much brevity and conciseness as the nature of the case admits endeavored to convey to you a plain unvarnished account of this most extraordinary transaction, and as this letter has already exceeded the ordinary limits, I shall neither intrude further on your patience nor hazard so poor a compliment to your judgment, as to offer any argument in demonstration of the absurdity of the offence insinuated against me; but as I am deprived of all personal communication with the Officers of the Regiment, and have consequently no means of discovering the base assassin of my honor thro' that channel—I am compelled to a public and solemn inquiry into the matters herein set forth, to the end that if upon the next investigation even the shadow of a presumption can be raised against my purity and innocence. His Majesty's service may no longer be disgraced by the presence of so unworthy a member, or that the foul asperser of my character, may be brought to the punishment which his atrocious and calumnious insinuations so justly merit.

I have the honor to be Sir,
Your most obedient servant,
G. McKENZIE.
Lieut. Queen's Royal,

Camp near Poonah, 20th May 1826.

To
Major General
Sir Lionel Smith K. C. B.
&c. &c. &c.
Sir,
I am directed by Lieut. Colonel Williams commanding Queen's Royals, to acknowledge the receipt this day of your letter of the 27th instant, and to inform you that your memorial having been duly submitted by him to the General Officer of the Division, respecting the reports you allude to Lieutenant Colonel Williams declines any further correspondence on the subject until it has been acted upon by superior authority.

I have the honor to be,
Sir,
Your most obedient humble servant,
(Signed) JAMES LITTLEJOHN,
Lieut. and Adjutant Queen's Royal.

To
Lieut. McKENZIE,
Queen's Royal,
A true Copy,
J. WILLIAMS,
Lieut. Colonel Commanding,
Queen's Royals.

Camp near Poonah June 1st 1826.
Sir,
Anticipating that the prayer of my memorial addressed to you will be acceded to by His Excellency the Commander in Chief and that a public investigation will be instituted into the base, and unfounded aspersions thrown upon my character, of which I have therein complained, I deem it necessary to acquaint you that the testimony of Lieut. Kennedy of the Queen's Royals will be indispensable to my own vindication, as well as to the conviction of my unprincipled calumniators whenever they shall be discovered, and as Lieut. Kennedy is now at Bombay, preparing to depart for England, I have the honor to request that you will take such measures for his detention as you may deem necessary, in order that I may have the benefit of his evidence, and that the cause of justice may not suffer from his absence.

I have the honor to be
To
Major General
Sir Lionel Smith K. C. B.
&c. &c. &c.
Sir,
Your most obedt. humble
Servant.
(Signed) G. McKENZIE.
Lieut. Queen's Royals
[A true Copy]
J. WILLIAMS Lieut. Col.
Commg. Queen's Royals.

The Prisoner and Court having no questions to put to Lieut. Col. Williams, the Prosecution is here closed.
The Prisoner now enters on his defence, and delivers in the following address, which is read by his friend.

DEFENCE ON ADDITIONAL CHARGE.
MR. PRESIDENT AND GENTLEMEN.

In rising to defend myself against the additional charge now before the Court, I have no wish to controvert the arguments contained in the opening address.
It is probable that the Judge Advocate General from his situation, and experience has correctly stated the nature of the offence therein alleged.

But I have done little actual duty in the Army, and therefore affirm with the utmost sincerity that in addressing my Letters of the 27th May, and 1st June, to Lieut. Col. Williams, I was not aware that they were in the slightest degree disrespectful; and in adopting the measures adverted to in the last of these Letters, I knew not that I was infringing an article of war or that I was acting in any manner contrary to the established usages of the Army.

The Court will also observe that the grounds on which the Judge Advocate's reasoning rests would not have existed had Lieut. Col. Williams complied with my repeated request, and made me acquainted with the authors of the reports in circulation to my prejudice.

For I presume, that had I entered a Civil action against any other Officer of the Regiment, except Col. Williams, even the Judge Advocate himself would not have been able to discover in such an act either culpability or a tendency injurious to the discipline of the Army.

If, therefore, I have committed an offence as alleged in this charge, I intreat the Court to believe that it has been entirely unintentional, and to ascribe it solely to ignorance, and the pertinacity with which Lieut. Col. Williams refused to name to me the persons who basely attempted by their secret calumnies to asperse my character.

The Judge Advocate has described this charge as being of a perfectly distinct nature from the charges which have been already investigated, and this opinion may be correct as far as regards the Prosecution. But it will be obvious to the Court, that the defence is inseparably connected with the circumstances given in evidence, on the investigation of the 1st and 3d, of the original charges. Any reference, indeed, to them would not be necessary if it were incumbent on the Court, as the Judge Advocate seems to contend, to restrict their attention to the nature of the offence charged, and when proved to award such a punishment as it may merit, considered merely in the abstract, and without reference to the motives and intentions by which I may have been actuated.

But I may hope that this Court will, on the contrary, be of opinion that the intention alone is that essential requisite by which the innocence or criminality of an act can be determined, and that it will not deem it their duty to visit a mere unintentional impropriety with that severity which is due only to wilful and deliberate culpability.

It becomes, therefore, Gentlemen necessary that I should still further encroach on the indulgent, and impartial attention which you have so remarkably evinced during the whole of these protracted Proceedings. For, I must again recal to your recollection, that late at night on the 5th May last I accidentally awoke, and discovered, by aid of a lamp then hanging in a room, at the opposite extremity of the suite of apartments, in one of which I was sleeping, two men, that I immediately arose and repaired by a door contiguous to the couch on which I was reposing to the nearest guard-room, that I thence brought a Serjeant and a file of men, that on our return being perceived by the men in the room, one effected his escape out of a small window, nearly level with the ground and opening into the public road, that the other concealed himself in an empty bedstead, which had curtains, and that he was taken out of it by the Serjeant and carried by my orders, a Prisoner to the Quarter-Guard of the Regiment to which he belonged.

Such, Gentlemen, is the true and simple statement which has been fully proved in the course of these proceedings of an occurrence which has been, I have every reason to believe, the sole cause of my now appearing a Prisoner before you.

But I may with confidence appeal to this Court, and demand if in the occurrence the most perverted imagination can discover the slightest grounds for imputing to me propensities of the abominable kind, which is too clearly stated in the first and third original charges, to admit of its not being understood.

Averse from my earliest days from all impure & obscene conversation or reading I possess a happy ignorance of many subjects with which young men are often much too conversant; it was, therefore, morally impossible that I could anticipate that so diabolical a construction would have been put on this simple occurrence as that which Lieut. Col. Williams has deigned himself by attempting to prove in this Court. Nor did any of the Gentlemen with whom I conversed on the subject previous to 10th May, ever intimate or hint in any manner, to me that Officers of the Regiment to which I belonged entertained a suspicion, that the man apprehended in my house on 5th May, had gone there by appointment for the most abominable purpose, nor does the Adjutant's letter written to me on that day requiring an explanation of this occurrence contain the slightest allusion to such a suspicion.

At the personal interviews, also, which I had with Lieut. Col. Williams, on 11th and 12th May, he said a good deal about extraordinary reports being in circulation, in consequence of this occurrence, but the precise nature of them he never explained.

It was not, therefore, until about 3 o'clock, in the afternoon of 13th May, that I learned from Assistant Surgeon Campbell the real extent of the calumnies which had been communicated to Lieut. Col. Williams, and in consequence of which without any previous inquiry whatever, or giving me any opportunity of shewing the futility and groundlessness of these false and malevolent aspersions, he thought it proper and consistent with impartial justice to recommend that I should leave these cantonments with the utmost expedition conscious of my own innocence, and unimpaired by my commanding Officer's having decidedly prejudged the question. I rejected, without a moment's hesitation, the abject and self-terminating mode of proceeding, which he had recommended, and requested that the opinion of those, whom I then considered as my brother Officers, as men who, when the honor and future prospects of one of their own body were at stake, would possess sufficient independence of spirit, and sufficient love of justice, and disdain of oppression, as would prevent their concurring in any decision except such as rested on a fair and impartial hearing of both sides of the case, and on clear and incontrovertible evidence.

How miserably my expectations were disappointed has already appeared in evidence. The meeting of Officers was held on 13th May, at the unusual hour of 5 o'clock in the evening, and after dinner, but no discussion whatever took place, nor was the slightest attention paid to my repeated request that my accusers should appear and clearly explain the precise nature of the improper conduct which they had alleged against me, in order that I might be enabled to prove that I had never at any time acted in a manner unbecoming an Officer and a Gentleman. Not an Officer present supported so just a request, and after an inflammatory speech from Lt. Col. Williams, the Officers passed a vote expelling me from their society without the slightest proof being asked for, or given, that I had ever conducted myself in any manner which rendered me unworthy of that commission which I had borne for many years with honor unsullied and unimpeached.

Had, however, a knowledge of this most unprecedented proceeding been confined to the Regiment, and to the superior authorities to whom it was afterwards referred, until it became the subject of investigation before a General Court Martial, I ought, perhaps, to have taken no other step than addressing my letter 15th May, to the Major General commanding the Division, soliciting a public and solemn inquiry into the whole of the business. But I had every reason to believe that Lieut. Col. Williams in forwarding this letter, had accompanied it with remarks in support of the reasons which had induced the Officers of the Queen's Royals to expel me from their society. A conjecture most fully substantiated by the charges now before the Court and by the anxious but vain attempt made by Lieut. Col. Williams, to fix an indeleble stigma on my character by raising a presumption that I was addicted to propensities at the bare idea of which human nature shudders.

Several members, also, of this Court, know well that the Officers of the Queen's Royals have, since 13th May, combined together and exerted their utmost endeavours to persuade the persons resident in these cantonments that the vote of expulsion rested on the most sufficient grounds, and that the slightest association with me was so contaminating, as to render any one so polluted totally unworthy of being admitted into the society. And that they will not deem it their duty to visit a mere unintentional impropriety with that severity which is due only to wilful and deliberate culpability.

every act is avoided which could cast the slightest stain on the most unsullied honor. Officers of the Queen's Royals ventured to disseminate insinuations and even assertions that I had been guilty of that offence, which the Law describes as that detestable and abominable crime, which ought "not to be named amongst Christians."

The law further holds that the obtaining money under a threat of charging the plaintiff with an unnatural crime, or with a solicitation to commit it, is robbery (and consequently felony without benefit of Clergy) even where it appears that the plaintiff parted with his money from a fear merely of the injury which his character would receive from such an imputation. But can there be any comparison between the criminality of the wretch who under such pretences extorts a few guineas, and of him who by such means attempts to deprive an Officer not only of his commission, but of his reputation and honor.

But, Gentlemen, these are the calumnies by which, since 13th May, my character has been most industriously and systematically aspersed. From that day, every hour made me acquainted with the increasing and far spreading circulation of these defamatory reports. I heard, also, whether correctly or not, is of no importance, that the Commanding Officer and Adjutant of my Regiment, were using all their influence and authority, which they derived from their situations, to obtain witnesses in the Regiment, to prove these fictions of some individuals perverted imagination. I also, waited upon the Major General Commanding the Division upon the 25 or 26th May, hoping that he would condescend to give me such advice as would enable me to adopt the necessary measures for checking these reports, and for bringing to shame and punishment their originators and propagators. But to my great surprise he advised me to leave the Regiment, as, after my departure, these reports would no doubt die away and never prove in any manner injurious to me.

Under these circumstances, and receiving no information whatever respecting the result of my application, for a public inquiry, receiving, also, such unexpected advice from the Major-General which too clearly evinced that he, also, thought me culpable, in what manner ought I to have acted? Excluded from the society of the Officers of my Regiment, and every Gentleman in the cantonment with whom I could have consulted being absent, I was thrown entirely upon my own resources, at a time when the maddening effects of so foul and calumnious an accusation had deprived me of all power of reflection—Borne down by so unexpected and appalling a situation, rendered the more alarming by the combination formed against me by the Commanding Officer and Officers of the Regiment, I was not in a state to consider the difference between Civil and Military Law.

To the Judge advocate, whose feelings may never have been subjected to such a state of agonizing torture, it is very possible that no excuse presents itself for my not patiently submitting to a delay of less than 12 days before I adopted other measures. But the Court will, I may hope, take into their most serious consideration the very peculiar situation in which I was placed; and will be of opinion that I committed no impropriety, at least intentional, in writing to request the advice of Mr. Norton the Advocate General, from whom while at Bombay, I had received much civility and attention. In reply he favored me with his advice, and the acting strictly in conformity to it has been the sole cause of the additional charge having been preferred against me.

But in adopting the advice of Mr. Norton, it never for a moment entered into my mind, that I could be accused of thereby shewing that I thought it quite in vain to expect justice from the Military authority, and that I owed no obedience to the Articles of War, and the usages of the Army. My sole object was to obtain as speedy a vindication of my character as possible; and this very expectation, from the Law's notorious delay, must shew how completely ignorant I was of legal Proceedings.

The Court will at the same time, observe that the Judge Advocate's reasoning on this point rests on the assumption that I appealed for redress from the Military to the Civil authority. But this is a complete misapprehension on his part. For the very letter, put in evidence by himself, which I addressed to Major General Sir Lionel Smith, on 1st June, commences with these words. "Anticipating that the prayer of my memorial addressed to you will be acceded to by his Excellency the Commander in Chief, and that a public investigation will be instituted into the base & unfounded aspersions upon my character of which I have therein complained."—Never therefore, had I the slightest intention of acting in any manner which could be considered un-officerlike insubordinate, or subversive of Military discipline.

I admit that I despaired of discovering by any Military means the authors of these aspersions and this opinion has proved well founded from the result of the Proceedings on the original charges; and I hoped that I might be more successful in a Court of Law.—But I was still anxious and desirous that the imputations by which my honor had been impeached should be investigated by a Court Martial, and that my innocence should be solemnly declared and my character completely vindicated by a Court of honor.—The assumption, therefore, being unfounded, I may hope that the arguments of the Judge Advocate, however ingenious and forcible, will not be permitted to make any impression on the minds of the Court.

The principal culpability, however, imputed to me in this charge, is the last allegation; and I am now perfectly sensible that I should have acted with more propriety had I patiently awaited the decision of superior authority with respect to granting or refusing the redress which I had requested in my memorial of 15th May. But the so evidently prejudging of the case, both by my immediate Commanding Offi-

cer, and by the Major General commanding the Division, the deprivation of friends, and the malignity with which I was held out to the public as one contaminated with the most detestable of vices will, I may trust, be considered by this Court as entirely exculpating me from all intentional impropriety in having previously adopted such means as the Advocate General of Bombay pointed out to me as being the most expeditious and efficacious for vindicating my character, and for proving the total groundlessness of the calumnies by which it had been impeached.

If, therefore, an act becomes culpable merely in consequence of the culpable intention with which it is committed, may I not indulge with confidence the pleasing hope that, though the allegations in this additional charge are proved, you will, Gentlemen, be of opinion that my conduct in these respects becomes, under the peculiar circumstances of the case, exempt from all culpability in consequence of its having been neither wilful nor intentional. On this point I feel the more anxiety, because I cannot refrain from anticipating your favorable decision on the original charges, and I should regret extremely if any act into which I may have been inconsiderately betrayed by the malignant persecution to which I have been most unjustly exposed, should merit the censure and punishment of this Court.

But, Gentlemen, whatever opinion you may consider it your duty to express on this charge, it is at least a consolation that, if it be unfavorable to me, it cannot affect my character as a Gentleman.

Liberate me, I implore, from the base and groundless calumnies by which the Officers of my Regiment have attempted to asperse my character. Declare to the world that not one of these Officers have ventured to depose to a single circumstance which could sanction or justify the surmises on which they have dared to insinuate and assert, that I was addicted to the most abominable propensities.—Publish it abroad that these very Officers (with one solitary exception) have solemnly affirmed that they never witnessed in my conduct any thing derogatory to the character of an Officer and a Gentleman—and thus restore me to that unblemished reputation which has never been before impeached during 13 years, that I have had the honor to bear his Majesty's commission.

Should you, then deem it your duty to find that I have not always adhered as an Officer to the strict rules of discipline, nor always shewed that respect and submission, which I acknowledge is at all times due to superior authority, ascribe it, I intreat to ignorance and not to intention. But whatever your award may be, I am convinced that it will be dictated by impartial justice; and I therefore look forward to its publication with the most anxious, and I may perhaps be excused in adding with the best founded hopes that it will, by demonstrating the total groundlessness of the causes which led the Officers of the Regiment to exclude me from their society, vindicate my character most completely from every whisper, insinuation or assertion of my secret and dastardly calumniators.

GEORGE MCKENZIE,
Lieutenant Queen's Royals.

The Judge Advocate declining to reply the Proceedings on the additional Charge are here closed.

The Trial on the original, and additional Charges is here finished, and the parties and witnesses dismissed.

THIRTY-THIRD DAY.
Saturday 26th August 1826.

At a General Court Martial then holden at Poona pursuant to adjournment. Present, the same Members as on Yesterday. The Court being closed proceed to deliberate on their finding.

FINDING. The Court having maturely weighed & considered all that has been adduced in support of the Prosecution on the original Charges preferred against Lieut. George McKenzie, of His Ma-

jesty's second, or Queen's Royal Regt. of Foot, as well as what has been brought forward on the defence, are of opinion that the Prisoner, Lieut. George McKenzie, is not Guilty of the 1st, 2d, 3d, and 5th Charges, and they do, therefore, most fully, and honorably acquit him of all, and every part of the said Charges.

The Court are further of opinion that the Prisoner is not Guilty of the first part of the 4th Charge, of which, therefore, they acquit him; but that he is Guilty of having employed Private James Turner as his servant without having previously obtained the leave of the Commanding Officer, and of having allowed the said Private to sleep in his quarters contrary to a Regimental order; and they do, in consequence adjudge him, the said Lieut. George McKenzie, to be admonished by His Excellency the Commander in Chief. But with respect to the employment of Private Thomas Foy as it appears that the Prisoner has been already censured on this account by his Commanding Officer, the Court have not thought it necessary to take this instance into their consideration in awarding the preceding punishment.

The Court are further of opinion that the 1st, and 3d Charges (with exception of the 1st part of the latter which they consider to be frivolous) are vexatious, calumnious, and totally unfounded; and the Court cannot, therefore, but regret that the Prosecutor should have so far forgotten the justice due to the Prisoner as to bring into public discussion, without any previous inquiry, reports of so defamatory, and injurious a nature on the bare surmises of some Officers of his Regiment, who have not been able to depose, during these Proceedings, to a single circumstance which could in the slightest degree sanction or justify such surmises.

The Court are further of opinion that the Prisoner is Guilty of all and every part of the additional Charge, except the word "highly" preferred against him, in breach of the Articles of War in such cases made and provided and they do, therefore adjudge him, the said Lieut. George McKenzie, to lose five steps in his Regiment and to be placed next below Lieutenant R. Carruthers.

JOHN F. FITZ-GERALD,
Col. & Lieut. Colonel
H. M. 20th Regiment
PRESIDENT

VANS KENEDY,
Judge Advocate General
of the Bombay Army.
Confirmed,

T. BRADFORD Lieut. General,
&c. &c. &c.

The Court having thus performed a painful duty in awarding a punishment which they consider proportionate to the culpability of which they have found the Prisoner Guilty, beg leave to recommend the Prisoner's case most strongly to the merciful consideration of His Excellency the Commander in Chief. For it appears fully to the Court that the Prisoner's conduct in this instance has not proceeded from intention, but solely from the very perplexing and agitating situation in which he was placed by having been expelled from the society of his Brother Officers in consequence of the Reports alluded to in the 1st and 3d of the original Charges.

JOHN F. FITZ-GERALD,
Colonel & Lieut. Colonel,
H. M. 20th Regiment,
PRESIDENT.

The Commander in Chief after a careful consideration of the Proceedings approves of the finding and judgement, of the Court upon the 1st, 3d, 4th, 5th, and additional Charge, with the exception of terming the first part of the 4th Charge "Frivolous," for although Lieut. McKenzie was in the Sick List, he is proved to have been out when equally so the morning previous to private McHugh's trial, and late the same evening some distance from his Bungalow, and when spoken to by two other Officers regarding the Prosecuting of McHugh, he told them in express terms he did not think that it was necessary to attend this Court Martial; the inference to be drawn from these circumstances was, that he had no intention of doing that which is expected from every Officer in support of discipline, whether the delinquency passing under his notice is committed by a man of his own Regt. or another.

If His Excellency is to understand by the Court's acquittal of Lieut. McKenzie upon the

2d Charge, they considered that Officer had done his duty, in merely directing the Sergeant of the Guard to make out the Crime against Private McHugh, deeming it sufficient that the circumstances of this man's misconduct should reach the Commanding Officer through the medium of the Guard Report alone, without any more direct report being made by himself, the Commander in Chief cannot agree in opinion with them, as it was the imperative duty of Lieut. McKenzie to have made a communication to the Commanding Officer upon the subject, at the same time furnishing such a Crime himself against the Prisoner as was calculated to meet the Offence. In making these observations upon the 2d Charge, the Commander in Chief thinks it necessary to express his regret, that the Regimental Court Martial accompanying these Proceedings by which Private McHugh was tried, had not adjourned to Lieut. McKenzie's Quarters, or until such time as he could appear to give his Evidence, by this means much light might have been thrown upon the circumstance stated in the Crime, which was not entered into by Sergeant Russell or the other Evidence, and a great deal of misconception regarding the situation in which that Soldier was found in Lieut. McKenzie's Bungalow, might have been avoided.

The Commander in Chief has a painful duty now to perform in finding occasion to comment severely upon the conduct of the Prosecutor, and expressing his most marked disapprobation of Lieut. Colonel Williams having, under any circumstances, assembled his Officers, and rendered them a deliberative Body to form illiberal and heedless suspicion into positive and grave offences; Lieut. Colonel Williams having slidden into this original error, excluded every other means of intermediate investigation which could render sufficient justice to the Prisoner, or the Service and the result would now justly recoil upon the Commanding Officer, if the Commander in Chief did not find an excuse in Lieut. Colonel Williams's inexperience, in his ardent, tho' mistaken zeal in this instance, and in the high sense of honor for the credit of the Regiment which appears to have hurried him, and his Officers alike, to magnify, and believe a mass of unfounded prejudices against one of their Members who has now been declared honorably innocent.

The Commander in Chief is sensible that the painful reflections which this rash conduct must produce in the Officers of the Queen's Royals, will also bring salutary impressions of the injustice they have committed, while he commands his expectations to be fully understood by them, that Lieutenant McKenzie shall be admitted into their society free of all heart-burning, in the cheerful confidence which his full and honorable acquittal commands, and entitles him to.—On the part of Lieutenant McKenzie his acquittal has been so complete and every suspicion which could be attached to the character of that Officer so fully removed, the Commander in Chief anticipates as well as enjoins, he will abstain from every vindictive feeling. For having employed Private James Turner as his servant without previously obtaining the leave of his Commanding Officer, and having allowed the said Private to sleep in his Bungalow contrary to Regimental Orders upon which Lieutenant McKenzie has been found Guilty, the Commander in Chief admonishes him; and as His Excellency concurs in the recommendation of the Court, and remits the degradation of Rank awarded against Lieutenant McKenzie on his being found Guilty of the additional Charge, he directs Lieut. McKenzie to be released from his arrest, and return to his duty. The Commander in Chief cannot conclude his Remarks upon this Court Martial without noticing the disadvantage of allowing their Proceedings to be encumbered with a great deal of matter, much of it apparently for the purpose of either gratifying talent for composition, or less worthy feelings, and observations as indiscreet as irrelevant and inconsistent with good taste; nothing can be more unmilitary or further from the object of plain and prompt justice, than the unnecessary introduction of matter, and displays of the kind alluded to, which every Court Martial should timely control and check.

The Court Martial is dissolved, and the Members to return to their duty.

By Order of the Commander in Chief.
(Signed) G. MOORE, Major of Brigade K. T.

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